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Press Release

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BRAZIL'S FOREIGN AFFAIRS SECRETARY-GENERAL ADDRESSES HUMAN RIGHTS COMMISSION

Discussion Continues on Economic, Social, Cultural Rights, Covenants

GENEVA, 5 February (UN Information Service) -- The work of the United Nations in denouncing specific human rights situations had to be complemented by mechanisms for strengthening the rule of law, said Marcos Catrioto de Azambuja, Secretary-General for Foreign Affairs of Brazil, in the Commission on Human Rights this afternoon.

Brazil, he said, wholeheartedly supported the work of the Commission, which had a unique contribution to make in a renewed United Nations.

Mr. Azambuja addressed the Commission as it continued to discuss the realization of economic, social and cultural rights, the status of the human rights Covenants and the functioning of the various treaty bodies. In connection with the discussion, independent expert Luis Valencia Rodriguez introduced a preliminary report on the right to own property.

Taking part in the discussion were the representatives of Pakistan, Peru, Argentina, Libya, Kenya, Morocco and Senegal.

The following non-governmental organizations also took the floor: the International Federation Terre des Hommes, Andean Commission of Jurists, International Fellowship of Reconciliation, International Federation of Rural Adult Catholic Movements, International Working Group for Indigenous Affairs and the International Confederation of Free Trade Unions.

Statement by Brazil's Secretary-General for Foreign Affairs

In his statement, MARCOS CATRIOTO DE AZAMBUJA, Secretary-General for Foreign Affairs of Brazil, said the present time was one of increasingly universal affirmation of the virtues of citizenship. The United Nations, with the Commission as its flagship, had played an exceedingly important role in bringing about that new state of affairs. However, the construction of freedom and democracy throughout the world was far from completed. There were still many places where even the most basic steps still had to be taken.

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One of the most encouraging aspects of the new configuration in international relations, he continued, was the increased priority attached to the promotion and protection of human rights. Brazil was fully committed to the concept of human dignity. Aware of its own shortcomings as sharply as it was aware of its democratic values, Brazil had adopted a human rights policy based on openness and transparency. In line with those ideas, the Brazilian authorities had endeavoured to establish broad avenues of dialogue with all sectors of society, particularly non-governmental organizations, regarding any problems that might give rise to concern. The Government also appreciated cooperation from the special rapporteurs of the Commission.

Appropriate international mechanisms provided an important supplement to the domestic efforts of Governments in protecting human rights and fundamental freedoms, he went on. Accordingly, Brazil had acceded last month to the International Covenant on Civil and Political Rights

Regarding the World Conference on Human Rights to be held in Berlin in 1993, Mr. Azambuja said the meeting would be a ground-breaking event in the field of human rights. Addressing issues of global concern was a common denominator between the World Conference and the United Nations Conference on Environment and Development, which Brazil would be hosting next June. The right to a balanced environment was to be viewed as a prerogative to which everyone was entitled.

One concept of particular importance was the relationship between human rights, democracy and development, he said. Brazil consistently supported the notion that all human rights should be viewed as interdependent and indivisible. In that connection it was necessary to enhance international efforts aimed at promoting economic growth and development. The Commission should also be alert to the possible negative effects that deteriorating economic conditions all too often produced on the development of human rights. The work of the United Nations in passing judgment on specific human rights situations had to be complemented by the creation of mechanisms through which the Organization could make an even more positive contribution to the strengthening of the rule of law.

Report on Right to Own Property Introduced

A preliminary report on the right to own property (document E/CN.4/1992/9) was introduced by Luis Valencia Rodriguez, independent expert appointed in accordance with resolution 1991/19. The report provides a history of the discussion on the subject in United Nations bodies over the years.

The report recalls that the Universal Declaration of Human Rights recognized the right to own property in its article 17. But as the Declaration is not a convention, States are not bound to give effect to the rights recognized therein.

In the course of the consideration by the Commission of the draft covenants on human rights, the report recalls, the question of including an

article on the right to own property was the subject of considerable discussion. No agreement was reached on a text or on whether the right should be included in the International Covenant on Civil and Political Rights or in the International Covenant on Economic, Social and Cultural Rights or in both. During the consideration of the draft covenants by the General Assembly, suggestions for the inclusion of an article on the right to property in one or the other of the two covenants were made, but none was put to a vote. Consequently, the covenants, as adopted on 16 December 1966, did not contain a provision concerning that right.

The report concludes that the right of everyone to own property is of particular significance in fostering widespread enjoyment of basic human rights and contributes to securing the goals of economic and social development enshrined in the Charter.

Other Statements

EYLAH KADJAR-HAMOUDA, observer for the International Federation Terre des Hommes, said that Cambodian society, while emerging from a long period of ostracism, was actually regressing due to the practical economic situation, inflation, inequality, theft, greed and corruption, which were now rampant. The international community should act to ensure all Cambodians benefitted from economic improvement. Human rights had to be taught, and Cambodians who wished to create human rights organizations should be helped. Further funding was also required for the Cambodian peace plan in general.

In Zaire, he said, the human rights situation was very serious. Economic inequality had caused poverty and disease and resulted in shortages and price increases. In the Philippines, too, economic, social and cultural rights were being flagrantly violated. Three million children suffered from malnutrition and 70 per cent of the population lived below the poverty line. The Philippines Government was called upon to deal seriously with under-development. That would mean a reallocation of the State budget.

REED BRODY, observer for the Andean Commission of Jurists, said the countries of the South, among them the Andean nations, were moving further away from realizing the right to development for their societies. Campesinos who planted coca in Bolivia, Peru and Colombia were the victims of a lack of economic alternatives. Poor conditions for the production of any legal product and the inefficient system for commercialization pushed campesinos and thousands of other internal migrants to the production of coca leaf.

He called upon wealthy countries, and where the bulk of the earnings from the illegal drug trafficking was channeled, to take a much more active and consistent role regarding the problem. Programmes were necessary to provide substitutes for the cocoa economy. That required a foundation of adequate political decisions and economic and technical support.

PIERRE PORRET, observer for the International Fellowship of Reconciliation, said it was gratifying that most United Nations agencies increasingly took into account human rights, democracy and nature conservation

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when making decisions. His organization was convinced that the Centre for Human Rights should play a more active role in United Nations development programmes and strategies.

Foreign companies often contributed to a development which did not respect the environment or the rights of populations, he continued. That type of development could also come from internal sectors. What the former had in common with the latter was the pillaging of resources without taking the future into account. Another factor that affected populations in poor regions was the fall in prices for commodities recommended for cultivation by development projects or Government authorities. The United Nations Conference on Environment and Development would provide a unique opportunity to advocate the right to development.

MOHAMMAD SAEED ANSARI (Pakistan) said development had become a more formidable and crucial challenge during the last decade of the twentieth century, as the world underwent change from bipolarity to unipolarity. However, he was concerned the change would lead to a shift in the attitude of the super-Powers towards the right to development. Human rights could not flourish in environments and settings which were devoid of development and prosperity. The realization of the right to development was a sound foundation upon which the superstructure of the entire body of human rights could be firmly raised. Human rights were ruthlessly trampled upon in those countries where people were crushed under the grinding wheels of poverty.

The affluent and industrially advanced nations had to expend their energies and resources towards the launching and accomplishment of development programmes in the developing countries, he said. He hoped the new world order would prove to be a harbinger of the realization of the right to development.

FERNANDO QUIROS (Peru) said that the issues before the Commission now were of particular importance to his country. He recalled that in 1989 the Peruvian delegation had been responsible for inclusion in the agenda of the question of the effects of structural adjustment programmes on the enjoyment of human rights. Peru had noted that the international financial institution had incorporated in their policies indicators for evaluating the realization of economic, social and cultural rights. It supported efforts to expand the data bases on economic and social indicators. A significant effort had been made in that regard by the United Nations Development Programme (UNDP), which through its "Human Development Report", recognized the need to pay special attention to certain key indicators.

It was true, he said, that no economic system could function effectively under a totalitarian yoke. But it was wrong to presume that the mere existence of a democratic system brought with it an availability of resources, social harmony or a change in the international economic environment. The new democracies of Latin America enjoyed the broadest freedoms. However, they also expected the understanding and solidarity of the international community to make their democracies capable of meeting health and educational needs.

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ANTONIO TROMBEITA (Argentina) said that his country was concerned about consequences which economic adjustment measures were having in some countries. The Uruguay Round should yield a mechanism through which the products of developing nations would gain greater access to world markets. He called for an end to discriminatory trade rules. Various documents before the Commission underlined Argentina's central concern, namely man and his individual and social dignity. International organizations had to help humankind to be free of fear, poverty, educational backwardness and social isolation. Those rights had to be respected without reservation and should not be dependent on the amount of resources available.

HOSNIA MARKHUS (Libya) said human rights could not be carved up. Nowhere could there be development if essential human rights in other areas were being violated. Millions of people could not have their basic needs satisfied because of poverty. A gradual reduction of the arms race, and the resources saved thereby, and the elimination of unjust economic relations could help people to realize their right to development. Women should play an important role in the realization of that right. Children also had to be taken into acccunt.

The World Conference on Human Rights should study the link between development and human rights, she said. The Commission, meanwhile, should continue to examine the relationship between external debt and the right to development.

CHRISTOPHER K. MBURU (Kenya) said poverty was a stumbling block to the realization of economic, social and cultural rights. While all States had the duty to protect and guarantee the full observance of human rights for all their nationals, they were bound to fail unless the international community fulfilled its responsibilities with respect to protection of human rights in a more balanced manner. Recent events had proved that under conditions of poverty, human rights took a back seat. A sustainable democracy was one that was not endangered by conditionalities or received a bashing whenever the poor could no longer tolerate the harsh austerity measures imposed from without.

The right to development, he said could be realized only by reversing the net external transfer of resources from the developing countries to the developed, thereby freeing such resources for the advancement of economic growth; by reducing all types of debts and by establishing a trading system that was multilateral, transparent and non-discriminatory.

MOHAMED HOURORO, observer for Morocco, said the link between development and human rights was not new. The texts adopted by the United Nations on the question made development a global imperative. Within the framework of their activities, a number of United Nations organs and specialized agencies had taken measures which went in the direction of the principles enshrined in the Declaration on the Right to Development.

The Commission's deliberations were taking place at a time of historic and cultural change in the relations among nations, he continued. Those changes would affect the planet for decades. That prospect gave rise to

questions, hopes and worries in developing countries. Would their voice be heard? Would they be able to claim their share of the earth's resources? If the right to development had been accepted as a concept, it was also true that doubts lingered over its practical implementation. Morocco hoped that the World Conference would give high priority to that right.

BLAISE FAVRE, observer for the International Federation of Rural Adult Catholic Movements, said the rural world was today faced with a dramatic choice -- change or disappear. In all kinds of countries, rural populations were suffering from great impoverishment caused by a general amnesia and scorn by States toward rural populations. Freedom from hunger, poverty, ignorance and fear would be more attainable if the rural populations were to recover their confidence. Farmers would refuse to give up, he said. The farmers were aware that they were continuing "God's own work" -- transforming useless areas into open spaces of freedom and fraternal solidarity. Farmers were starting to build credit societies to emerge from debt. He called for immediate measures to control pricing in liaison with environmentally aware teams who would respect man, culture and nature.

MIKE FORSTER, observer for the International Working Group for Indigenous Affairs, said he was the only representative of the Bougainville Interim Government still allowed to travel abroad. Bougainville had been under siege sinces 17 April 1990. During that time, some 8,000 people, 5 percent of the population, had died as a direct result of the lack of medical supplies and facilities due to the "blockade" of Bougainville by Papua New Guinea. All schools had been closed.

Three days ago, he said, Papua New Guinea had attempted a further invasion of the coast two kilometres north of the Capital, Arawa, he said. The future of the people of Bougainville after these wanton and continued assaults must be decided in the United Nations. Amnesty International had prepared a report on human rights violations in Bougainville in 1990. Since that time it had been forbidden re-entry to Papua New Guinea despite the fact that many of the violations had been confirmed publicly.

GUY RYDER, observer for the International Confederation of Free Trade Unions (ICFTU), said that major tenets of economic and social policy applied at the national level had very frequently detracted from, rather than contributed to, the achievement of economic and social rights. The International Labour Organisation (ILO) estimated that in Latin America minimum wages had fallen by 25 per cent in real terms in the 1980s. In Africa, urban wage levels today did not generally meet the basic needs of a family. In Asia and the Pacific, impressive aggregate growth rates should not be allowed to disguise the fact that extreme poverty remained the lot of hundreds of millions. The case for change was clear and urgent. The argument that the policies of the last decade were unavoidable necessities and that they would work, given more time, stood discredited.

In response, he said, ICFTU had formulated detailed alternative policies which it believed could help to put the development process back in motion. A basic precondition for progress had to be a breaking-out of the policy

strait-jacket that attributed messianic powers to unrestricted market forces, and assessed success solely on the basis of the behaviour of selective economic indicators. Adjustment programmes needed to be radically revised so that they encouraged and strengthened development rather than becoming a period of trial by austerity during which legitimate social claims and objectives had to be suspended.

ALIOUNE SENE (Senegal) emphasized the importance given by his country to the enjoyment of economic, social and cultural rights and the right to development. The report of the Secretary-General on the implementation of the Declaration on the Right to Development underscored the indivisibility and interdependence of all human rights. The report showed that underdevelopment and an unjust economic order could lead to a lesser enjoyment of human rights. Economic and social progress were inseparable from the spiritual well-being necessary for the enjoyment of human rights. That was the best guarantee that the South would be able to take advantage of the establishment of the new world order. There should be greater cooperation among United Nations bodies dealing with development.

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FOREIGN MINISTER OF TUNISIA ADDRESSES HUMAN RIGHTS COMMISSION

Discussion of Right to Development Continues

GENEVA, 6 February (UN Information Service) -- True recognition of human rights could not take place in the face of such dangerous challenges as religious extremism, Habib Ben Yahia, Minister of Foreign Affairs of Tunisia, the Commission on Human Rights this morning.

That extremism, he said, operated under a political and religious cover, and it used democracy to threaten civil society. Tunisia supported the Commission's efforts against religious intolerance.

Following Mr. Ben Yahia's address, the Commission continued its debate on economic, social and cultural rights, the right to development and human rights mechanisms.

Statements on those questions were made by the representatives of France, Hungary, Italy, the Russian Federation, Austria, Australia and Madagascar. The following non-governmental organizations also took the floor: the World University Service, the Latin American Federation of Associations of Relatives of Disappeared Detainees, the International League for the Rights and Liberation of Peoples, the International Youth and Student Movement for the United Nations and the World Social Prospects Organization.

Burundi exercised the right of reply.

Statement by Foreign Minister of Tunisia

HABIB BEN YAHIA, Minister for Foreign Affairs of Tunisia, said that since 7 November 1987, his Government had set itself the task of restoring the confidence of the people. That had been done through the liberation of all political prisoners, the proclamation of a general amnesty, the restoration of the civil rights of convicts and an appeal to political exiles to return to the country. Other measures, including the abolition of the Court for State Security, had also been taken.

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Furthermore, he said, the President had personally watched over the concretization of the law on political parties, which drew inspiration from the International Covenant on Civil and Political Rights, as well as over texts prohibiting intolerance and religious hatred. The press had been reinforced through the lifting of restrictions and the electoral code and been revised twice since 1987 in order to open the Chamber of Deputies and the Municipal Councils to the opposition.

Tunisia, he went on, noted with satisfaction and optimism the positive developments in international relations and the promise they held for the promotion of human rights. However, the true recognition of human rights could not take place in the face of dangerous challenges such as religious extremism. Most often, that extremism operated under a political and religious cover, and it used democracy and pluralism to threaten the stability of civil society and sow chaos and incertitude -- all with the aim of imposing a totalitarian ideology. It was imperative to appeal to the partisans of true democracy not to be misled or give their support to the enemies of freedom and human rights. Tunisia supported the Commission's efforts against religious intolerance.

Speaking of the consideration the Commission had given to the right to self-determination, he called the Palestinian problem the greatest injustice of modern history. The failure to reach a solution of that problem, he said, was essentially the result of Israel's intransigence and its settlement policy. He appealed to the international community to find the formulas likely to lead Israel to accept a peaceful, just and global solution to the Palestinian cause.

On the international economic situation, he said no one questioned the fact that the deterioration of the terms of trade, along with the debt burden, had a negative impact on human rights. One had to draw the attention of the international community to the need for economic cooperation in the hope that the foundations of a new, more equitable international economic order would be laid down. However, the economic problems of countries could not serve as a pretext for the restriction of fundamental freedoms and human rights.

In defending human rights, he said, Tunisia was inspired by its secular tradition. The country would not hesitate to defend its gains in that regard from all forms of extremism.

Other Statements

NIGEL HARTLEY, observer for the World University Service, told the Commission that this year his organization would publish its second report on academic freedom and the right to education. There would be reports on the continuing closure for political reasons of universities in several countries, as well as about several forms of restrictions to the freedom of expression and the freedom of association within university premises. The intimidation, arrest and even killing of academics because they discussed peace and human rights within the university would also be discussed in the report.

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There was a need for further standard-setting to safeguard the rights to education, academic freedom and university autonomy, he went on. His organization called on the Commission to continue studying the need for and the possibility of further standard-setting in the area of the right to education, in particular in relation to the question of academic freedom.

LOYOLA GUZMAN, observer for the Latin American Federation of Associations of Relatives of Disappeared Detainees, said that most Latin American countries had ratified or acceded to the International Covenant on Economic, Social and Cultural Rights. Yet, the situation regarding those rights in many countries of the continent was critical. In Bolivia, the new economic policies had resulted in a massive lay-off of workers and in hyperinflation. The State did not guarantee the right to work. The producers of coca had no economic alternative to growing that crop. Meanwhile in Guatemala, the total number of cholera sufferers was 2,737. Displacement to the cities due to repression in rural areas caused urban sprawl, a breeding ground for disease and crime. Furthermore, labour demands were being repressed violently.

Latin America had been expropriated and pillaged for its natural resources over the years, she stated. She called for the international community to help Latin America recover by releasing it from its crippling debt burden.

ORETTA BANDETTINI DI POGGIO, observer for the International League for the Rights and Liberation of Peoples, said a truly global development process would require the cooperation and effort of more than just individuals and peoples, on the one hand, as legitimate holders of human rights, and of States as guarantors of the enjoyment of those rights, on the other. A more exhaustive definition and deeper understanding of the concept of meaningful development itself would be necessary, together with specific mechanisms aimed at allowing close monitoring of the way human rights were respected all along the development process.

Innumerable cases of violations and infringments still occurred, she said. However good the provisions of existing United Nations mechanisms might be, they were liable to manipulation aimed at diverting attention from non-compliance with undersigned commitments. Such was the case with Madagascar, which had been experiencing serious famine in the south as a result of misguided agricultural practices that jeopardized the local rice harvest, thus reducing the people to extreme poverty. In Sri Lanka, Sinhalese had been proclaimed the only official language since 1956; this made it almost impossible for the Tamil population to have access to many jobs. In Bhutan, the people's right to participate in the decision-making process had been denied.

IVAN PAZ, observer for the International Youth and Student Movement for the United Nations, said that despite the return of democracy in Bolivia in 1982, there had been a serious deterioration in economic and social conditions. Structural adjustment policies were to blame and had provoked social conflict, child labour without legal protection, unemployment and disregard for worker's rights.

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The rights to health, education and association had also been seriously affected and hunger strikes were now considered a criminal offence. Objection to Government decisions and resolutions was simply not tolerated in Bolivia. Eight of the 12 magistrates in the Supreme Court had been forbidden to work for eight months, causing a serious backlog in the legal system. Members of the Commission on Narcotic Drugs had been executed and forced labour camps had been created in prisons. Impunity for the perpetrators was guaranteed. Attempted kidnappings, the sale of children and police corruption were further examples of the constant trampling of justice in Bolivia. Protests were continuing but fundamental rights had not yet been secured. Public ministries, rather than acting as defenders of human rights, were violators.

DJELY SAMOURA, observer for the World Social Prospects Association, said that under all the rhetoric of independence, development, democracy and peace, colonialism persisted in the poorest countries. The question of the effective enjoyment of economic, social and cultural rights arose from an absolute need that would not be satisfied except through the development of all societies by way of the consecration of the principle of solidarity.

The question today, he continued, was no longer one of philosophizing on the limits of economic growth; all the forces of production needed to be put to work for another sort of growth in a new order. In the name of an ideal of justice and equality, peoples today affirmed their right to fully participate in the elaboration of rules that should govern the life of the international community. They required the full recognition of their identities and ambitions.

STEPHANE HESSEL (France) said that the transfer to free market economy and democracy meant that the solidarity of the international community was required to protect the most vulnerable groups. Answers had to be found to the waves of economic migration. The search for a durable, equitable right to development was linked to the right to freedom of expression and the right to participate in public life. But what was the value of freedom of expression when poverty was the problem? France believed that human development, mutual reinforcement, and technical and advisory programmes were some of the objectives to be sought in the search for equitable development. Of paramount importance was the individual, who was the subject and not the object of development. Without active participation, people's needs would not be met. Democratic development was the challenge awaiting the world.

AGNES HEVESI (Hungary) said her Government continued to attach particular importance to the universality of ratification, accession and appropriate incorporation into domestic legislation of the human rights covenants and their protocols thereto. Member States could offer no valid reason for failing to ratify or accede to those instruments. Hungary welcomed the entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights on 11 July 1991.

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With regard to the effective functioning of bodies established under United Nations human rights instruments, she emphasized the importance of steps recently taken by the international community aimed at putting the financing of the operation of all the treaty bodies on a secure basis.

FRANCISCO MEZZALAMA (Italy) said it was now universally recognized that the full realization of economic, social and cultural progress required democracy. However, democracy was in danger when economic development conditions were far from satisfactory. There was an inextricable link -- an interdependence -- between all human rights. He noted that polemical discussions on that topic had been removed along with ideological differences. The artificial distinctions between individual and collective rights had also been banished. There could be no incompatibility between prosperity and democracy; political democracy and economic democracy went hand in hand. The industrialized world had a duty to help economic and social process in the developing world.

VIATCHESLAV BAKHMINE (Russian Federation) said Russia had not only embraced the obligations it had undertaken under the covenants, but it saw in them one of the bulwarks of its foreign policy. They were the most important regulatory factors in external relations today. Russia appealed to all States to accede to the covenants and to implement their provisions in national legislation. It was also necessary to fill the legal vacuum that had developed in some areas of the former Soviet Union regarding adherence to the international human rights instruments.

On the relationship between human rights and development, he said that Russia no longer had a paternalistic State that took care of everything. Only an enfranchised individual could participate actively in the development of society. That could only be done properly when all human rights, including the right to own property, were respected. Russia would continue to support the developing countries in their efforts towards a more just international economic order.

FLORIAN KRENKEL (Austria) said that the 1993 World Conference on Human Rights would be a good occasion to achieve true universality of the human rights instruments under discussion. He welcomed the proposal for the establishment of a committee resource room to facilitate access to various sources of information.

He said Austria shared the view that civil, political, economic, social and cultural rights were complementary, indivisible and interrelated. More imaginative thinking and action was needed to expand social and human rights programmes through operational components. The right to development was an objective which States should strive for to benefit their citizens. States should establish the necessary social and economic conditions by means of appropriate political and legal measures so as to allow individuals to achieve, through their own work, everything they needed to enjoy a decent standard of living. The right to development should also be seen in the broader perspective of the responsibility of the international community to resolve economic and social problems and inequalities, strengthen cooperation and facilitate the establishment of a balanced, equitable and just world order.

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DAVID STUART (Australia) said there had to be broad international recognition of the role of human rights in the development process. The issue of indivisibility had become a matter of common agreement in the Commission. It was time to develop that argument to demonstrate how the work of the developmental bodies and specialized agencies meshed with the concerns of the Commission. Further efforts were needed to promote popular participation as a basic condition for the enjoyment of human rights and progress in economic and social development, and there had to be action to shape an effective international role in promoting the integration of human rights and development activities at the national level.

There would be exceptional occasions, he continued, when bilateral or multilateral measures to suspend or withhold aid would be justified. There were, however, many potential pitfalls with donor policies which sought systematically to link aid decisions with judgments on human rights. Those included the risk of inconsistency: the same standards must be applied equally to developing countries, weak or strong. Also, political or geo-strategic considerations, or indeed other aspects of national interest, should not be disguised as human rights-based decisions. Policies of aid conditionality could not pursued from the high moral ground if accompanied by a lack of willingness to consider how international economic conditions, including access to industrialized markets and the debt burden, influenced the environment for pursuing human rights objectives in many developing countries.

NORBERT RASTIRAHONANA (Madagascar) said the number of least developed countries had increased from a total of 47 in 1991 to 53 today. That increase permitted one to measure the gravity and breadth of the development problem. The effect of underdevelopment on human rights was the near non-existence of economic, social and cultural rights.

The concept of a link between democracy and development had been accepted outside the Commission, he said. Democracy was seen as a condition for the realization of durable and balanced development Nevertheless, the mere introduction of political pluralism would not be enough to turn a poor society into a prosperous one. It was necessary to support the democratic changes initiated by various least developed countries. That was why his delegation subscribed to concrete proposals for the realization of the right to development enumerated in the Secretary-Generals report on the subject.

Right of Reply

LAURENT NZEYIMANA (Burundi) referred to the statement made by the World Organization against Torture to the effect that Burundi's observation of human rights required special surveillance. In Burundi, the type of incident to which the representative had referred spared no developing country these days as illustrated by the recent attempted coup in Venezuela. The Burundi Government had a long way to go but the international community recognized the efforts made by the Government in the field of human rights.

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GABON'S VICE-MINISTER FOR HUMAN RIGHTS ADDRESSES HUMAN RIGHTS COMMISSION

Concludes Debate on Economic, Social, Cultural Rights

GENEVA, 6 February (UN Information Service) -- As the Commission on Human Rights concluded its general debate on economic, social and cultural rights and the right to development, Yolande Bike, Gabon's Vice-Minister in-charge of human rights, appealed this afternoon for international cooperation in the building of a more balanced and fairly shared world economy.

During its extended meeting, the Commission also ended consideration of the status of the international human rights Covenants and the effective functioning of United Nations human rights treaty bodies.

Taking part in this afternoon's discussions were: Iraq, Netherlands, Chile, Nigeria, the United Kingdom, Cuba, Yugoslavia, Sri Lanka, Mexico, Mauritania, the Philippines, Cyprus, Indonesia, Canada, Zambia, Italy, Iran, India, Brazil, Rwanda, Holy See, and Finland.

The following non-governmental organizations also took part: the Movement Against Racism and for Friendship Among Peoples, the Union of Arab Jurists, Christian Democratic International, the International Commission of Jurists, the Minority Rights Group, Pax Romana, the International Association against Torture, the American Association of Jurists, the International Movement for Fraternal Union among Races and Peoples and Latin American Federation of Associations of Relatives of Disappeared Detainees.

China, Bolivia and Brazil exercised the right of reply.

Statement by Vice-Minister of Gabon

YOLANDE BIKE, Vice-Minister for Youth, Sport, the Arts and Culture in charge of human rights of Gabon, said that, while her country was conscious of the importance of the right to development it was also concerned about by the economic and political evolution of a number of developing countries carrying out structural adjustment programmes. The persistent poverty of developing countries was a source of instability; and the debt burden did not give rise

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to optimism. That was why Gabon appealed for international cooperation in the building of a more balanced and better shared world economy.

The important world changes of recent years bode well for the observance of human rights, she said, but along with those changes there was a resurgence of exacerbated nationalism, racism and intolerance.

She praised the efforts of the South African President and all the other interested parties in the building of a multiracial State based on justice and the guarantee of fundamental freedoms. Only in an environment of respect for human rights, she said, could man achieve his full potential. It was with a view to preserving that environment in her country that President El Hadj Omar Bongo had convened a national conference which had put an end to 20 years of one-party rule. The conference had also led to the adoption of a National Charter reaffirming the rights and freedoms of the Gabonese. Furthermore, there were no prisoners of conscience in Gabon at present.

The democratization process would continue in her country, she went on. However, it was obvious that, in order to create a real democracy, citizens had to know their rights and obligations. Therefore Gabon wished to orient its efforts towards the popularization and teaching of human rights at all levels. She asked for the support of the United Nations and of the specialized agencies in that effort.

Other Statements

MOHAMMED AL-DOURI (Iraq) said it was the Commission's duty to take stock of the exercise of human rights under the difficult circumstances which prevailed in his country since the Gulf war and the "aggression" against Iraq. Iraq still is a wealthy country endowed with oil and agricultural resources. However, things had changed dramatically since the Security Council adopted the ecomonic embargo resolution of 6 August 1991. The implementation of that resolution had resulted in a great deal of suffering, especially because it was extended to food and medicine because of the position of the United States and Britain.

In addition, he said, the inhuman stance adopted by some States which had frozen Iraqi assets and prevented the purchase of foodstuffs and medicine had led to serious shortages. Some States, such as the United States, France, Britain, Germany, Sweden, Italy and Switzerland, had signed contracts with Iraq prior to 2 August 1990. They had received payment but were refusing to fulfil their contractual obligations. The economic blockade which had halted oil exports and brought about a freeze in economic relations with the world's countries had contributed to the disruption of the development process. In spite of these very difficult circumstances, the Iraqi Government had established a development plan for the period 1992-1995, should financial resources be made available. Should the United Nations be allowed to contribute to the imposition of collective sanctions against a whole people? he asked.

PETER H. KOOIJMANS (Netherlands) said it was often easier to determine that a person did not enjoy certain economic or social rights than to define

an actual violation of such a right and identify a violator. Yet the concept of "violation" could be applied without giving rise to much discussion. A violation of the right to food as a human right was of international concern not only in the legal sense but in the political sense. He welcomed recent ratifications of or accessions to the human rights Covenants by seven States and the six new States parties to the First Optional Protocol. As to the Second Optional Protocol, which aimed at the abolition of the death penalty he hoped many States would before long become parties to that instrument and suggested that a fact sheet for the public would foster the attainment of universal ratification.

The Netherlands was very worried about the servicing of treaty bodies, he continued. Simple mathematics yielded the conclusion that the rising number of reports and the need to spend one or two meetings on one report had to entail the provision of extra meetings in order not to disrupt the system, although efficiency measures had already been taken. It was not just a matter of more staff, or more meetings; it was not possible to continue adding new treaty bodies to the family. Duplication of work made the machinery less effective and also more discouraging to States parties trying to cope with their manifold obligations.

ROBERTO CARRETON (Chile) said that neither democracy nor development were political systems; they were cultural goals which involved the whole community. The human being had to participate and had to take responsibility at the centre of the development process. Democracy did not necessarily lead to development. It did not provide food, but without democracy people could not live. The consequence of underdevelopment was the cycle of poverty. Human rights, democracy and development were a single whole. Legal remedies were needed to better enforce them. Democratic institutions could not stand the tensions provoked by frustration arising from the inability to carry out development.

OLU ADENIJI (Nigeria) said the concept of human rights was universal. For too long, the world had interpreted violations of human rights only in terms of torture, denial of personal freedom, imprisonment without fair trial or involuntary disappearances. The world ignored the right to development, which was also fundamental. The international community had often given attention to violations of human rights within national boundaries, but what had not been examined sufficiently was the effect on human rights of a hostile international environment which hindered national development. Today, most developing countries, especially in Africa, were victims of an international economic system which inhibited their economic and social development.

The debt burden and ever falling commodity prices had led to drops in national incomes and increasing impoverishment, he continued. From the political and social conditions in those countries the correlation between economic development and other forms of fundamental rights could be seen. The doubts raised over development as a right or an objective should now be put to rest so that all could work together.

Referring to allegations by the World Association against Torture regarding conditions of detention in Nigeria, he said that no prisoners had died in Nigeria because of a lack of food or medical care.

HENRY STEEL (United Kingdom) said that, in considering the concept of good government and its relationship to human rights and the development process, Governments should not go beyond their proper sphere. Their concern was to ensure that the main participants in the development process and the main beneficiaries of that process were the people themselves. Governments and other public institutions should engage in a constant striving after competence. The ordinary citizen would not be motivated to play a full part in the development process unless human rights were fully respected and protected by an open and fair legal system.

The establishment of a new committee to monitor implementation of the Convention on the Rights of the Child was welcome, he said. However, ratification was not the end of the matter for Governments; it was merely the first step. The convening of the World Conference on Human Rights in 1993, which had as one of its main aims the examination of ways to improve implementation of existing human rights standards and instruments, offered an unparalleled opportunity to achieve the required improvements.

RAUL ROA KOURI (Cuba) said that, since the adoption of the Declaration on the Right to Development by the General Assembly, nothing had been done to implement it. The gap between the developed and developing countries continued to widen. That was obvious from the deterioration in living conditions in the latter. In the developing countries, some 195 million children under five years of age suffered from hunger, and child mortality was 10 times higher than in the developed countries. In addition to the efforts required of the developing countries to overcome underdevelopment, it was necessary to substitute the exploitative system inherited from colonialism with true North-South cooperation. But the Declaration on the Right to Development, while a point of reference in statements from developing countries, was hardly reflected in those of the powerful ones. It was almost offensive to talk of peace, security and democracy to those who had never enjoyed such basic rights as a dignified, healthy and cultured life.

It was regrettable, he went on, that the report of the Secretary-General on implementation of the Declaration placed such little emphasis on the economic recipes being offered the South. It ignored the main preoccupations of developing countries. Cuba was carrying out a sustained effort to develop itself despite the risks and perils the world situation held for it. Cuba would go ahead with its development programme. Its recent achievements -- in the biological sciences, genetic engineering, biotechnology, applied electronics and agriculture -- complemented those in health care, education and culture. Against all odds, Cuba would continue to be socialist, for no force could defeat a revolutionary people.

MARIJA DJORDJAVIC (Yugoslavia) said there was no doubt that the urge of humanity for freedom and democracy, as well as for development, was so powerful that it presented a historical inevitability. The system of protection of economic, social and cultural rights, including the right to

development, was still less elaborate than the mechanism for the protection of civil and political rights and the Commission should devote more attention to the establishment of such mechanisms. While welcoming the Secretary-General's report on implementation of the right to development, she felt that Governments, in their comments, had paid little attention to the numerous obstacles which still blocked the path to development.

There was an ever increasing need, she said, for coordination of the activities of the United Nations organs dealing with development and those dealing with human rights and for further constructive dialogue and efforts of all Member States with a view to their efficient and comprehensive fulfilment.

WARNASENA RASAPUTRAM (Sri Lanka) said that more than 800 million people lived at starvation levels today and over a billion people lived below the poverty line. The experience of the West showed that vast improvements in civil and political rights went side by side with the improvements made on the economic and cultural fronts. Many developing countries were persistently thwarted in their efforts to provide the basic rights to food, shelter, education and an adequate standard of living to their populations. The net transfer of resources and declining commodity prices had resulted in not only the deterioration of the living conditions of the developing countries, but also the stability of political institutions.

In order to ensure the meaningful enjoyment of all human rights and democracy and in the context of an interdependent world economy, he said, States had a duty to cooperate with each other in ensuring the right to development. The international community had to demonstrate as much commitment to the promotion of economic, social and cultural rights as it had to the promotion of civil and political rights.

ELEAZAR RUIZ Y AVILA (Mexico) said resources which had until now gone to serving geo-strategic needs should be diverted towards development because the disparity between countries of the North and the South was ever-widening. If the imbalance were not redressed, it would lead to instability. An effective international strategy was needed to eradicate poverty, in line with principles of international law. Development was the most rational way to create stability, promote well-being and encourage democracy and economic expansion. The right to development strengthened individual freedoms and not the other way around. Underdevelopment caused a brain drain, and yet, migrant workers were not always welcome in other countries, including developed ones.

MOHAMED LEMINE (Mauritania) said it had largely been accepted that it was up to States first of all to create favourable conditions for the enjoyment of human rights. It was also true that there would be no development without democracy. A great many countries, including his own, had undertaken the path towards democracy. Nothing was worse for any Government than to be unable to meet the needs of its people. As a developing country, Mauritania was aware of how many constraints there were on efforts aimed at development. The gulf between developed and developing countries continued to widen alarmingly.

Debt was one of the main factors in economic and social stagnation in developing countries, he continued. The world was interdependent, with

enormous resources. What was called for was greater international solidarity, especially with regard to the developing countries.

NARCISA L. ESCALER (Philippines) said economic development was one of the compelling commitments of her Government to its people. Its development programme gave real substance to its commitments to human rights. But the Government was also aware that the problem of meeting basic needs and providing for the minimum of human welfare was not confined to national boundaries alone. It saw development horizons compromised by sustained trade protectionism, a debilitating foreign debt problem, the slide into recession by some developed countries, and the drying up of development financing at a time when world-wide investment needs had risen sharply.

That trend had to be reversed, she said, and it could only be done through international cooperation. The resolution on the right to development had reaffirmed the duty of the international community to cooperate in ensuring development and eliminating obstacles to development. The global consultation on the right to development as a human right had put forth concrete recommendations for the realization of that right as well as for measuring progress toward that end.

GEORGE ZODIATES (Cyprus) said the new international climate provided an ideal environment for the promotion and protection of human rights and fundamental freedoms. His country's Constitution, which had been in force since independence in 1960, contained a code on human rights at least as comprehensive as the most relevant international human rights conventions. However, the Government was prevented from fulfilling its obligations to protect the human rights of all its inhabitants due to the fact that part of the country was outside its effective control.

Although considerable progress had been achieved in the international community's approach to human rights, he said that approach was not totally divorced from considerations of the past. A foreign army of occupation, for example, was unacceptable and should not be condemned on one continent and excused or justified in another. Particular attention must be focused on securing universal adherence to, and monitoring compliance with, existing instruments. The ever expanding role for the human rights bodies underlined the need for normative consistency. He hoped that all States would work together to respond effectively to those new challenges.

ABDUL NASIER (Indonesia) said it was essential to promote economic, social and cultural rights, as well as other rights necessary for the full realization of human dignity. In an increasingly interdependent world, the effectiveness of action on the national level in promoting those rights could not be separated from efforts at the international level. The key was social justice, nationally as well as internationally. All States should cooperate in creating an international economic and political environment conducive to the realization of the right to development, he said. That right was the core of economic, social and cultural rights. Development was essential to ensure lasting social peace and progress towards respect for human rights was an

important factor in economic and social advancement. The right to development should be implemented on the basis of cooperation among States, international organizations and all others concerned.

ANNE PARK (Canada) said that traditionally, human rights had been regarded mainly in terms of civil and political rights, such as the rights to freedom of expression and to a fair trial. Those should remain a key focus of the Commission's concerns. At the same time, Canada endorsed the view that human rights also extended beyond those traditional concepts. They had to be approached in the context of the profound economic, social, and political changes which had been taking place throughout the world. Respect for fundamental human rights was being increasingly regarded as an integral element in the broader context of what had come to be called "good governance".

That approach need not mean the imposition of foreign styles and systems of government, she continued. What was important was that the fundamental principles of an open society be respected. The link between human rights and development was an increasingly important element of Canada's foreign policy. Respect for the broad spectrum of human rights was important if a country was to tap the productive forces of its population. Pluralism and freedom of expression were prerequisite for the integration of all individuals in a productive society. That included in particular the equality of women: the notion that human rights were reserved for only 50 per cent of the world's population was no longer acceptable.

I.Z. CHABALA (Zambia) stressed the indivisibility and interdependence of human rights and said the effective realization of economic, social and cultural rights and the implementation of the right to development could not take place without a favourable international climate. Highlighting the role of a supportive international economic order did not justify the non-fulfilment of obligations or domestic duties of States to realize those rights. The realization of the right to development had to remain a key priority for the vast majority of humanity found in the developing world. The role of national initiatives was therefore critical. Popular and democratic participation in the development process, anchored in justice, freedom and opportunity, was indispensable to the realization of the right to development.

The need for qualitative and structural changes was also imperative, he continued. In addition, guaranteed property rights should contribute to the effective utilization of human resources. That question was particularly relevant to women in the developing countries who were major producers of food but often did not enjoy access to property.

FRANCISCO MEZZALAMA (Italy) said his country viewed the increasing number of ratifications of the Human Rights Covenants as encouraging development. It was important for the Secretary-General and the Centre for Human Rights to continue to assist those countries which had not adhered to the Covenants to surmount the difficulties that prevented them from doing so. However, non-adherence to international human rights instruments did not excuse countries from respecting them. Conventions that governed the general interest of the international community had a tendency to become customary,

and hence, universal, rules. It was generally recognized, for example, that the fundamental principles and rules of the Universal Declaration of Human Rights had become customary rules. The obligatory character of the system of human rights protection, as well as its universality, left no room for States wishing to escape its application to claim interference in their internal affairs.

With respect to the functioning of the human rights treaty bodies, he said the absence of a judicial organ capable of dealing with violations -- although sooner or later the creation of a High Court of Human Rights had to be envisaged -- put those bodies at the centre of an essential supervisory function. Over the years, they had vastly improved.

SIROUS NASSERI (Iran) said the importance of the right to development and its centrality to human endeavour could hardly be over-emphasized. Yet, like many other issues, it had fallen victim to the self-serving ideological rhetoric of the cold war protagonists. Although most countries now followed economic policies based on market forces, attainment of reasonable development seemed to be out of reach, if not impossible. Many of those countries had opted for the free market panacea only to be disillusioned by the obliterating impact of an unfavorable external environment.

Sustainable development in the larger part of the world was to be attained only through a major overhaul of the macroeconomic policies at the world level. The major responsibility rested with the developed countries. However, the developing countries were not looking for hand-outs, rather they called for fair play in the world economy and honest observance of the rules of the game. Reversal of protective trade policies as well as removal of obstacles to smooth and unhindered transfer of technology were among the priority areas of action.

PRAKASH SHAH (India) said that, at a time when the Western world was becoming Eurocentric and concerned primarily with military aspects of security, it was even more opportune for the Commission to emphasize that development had to be at the centre of global concern. True development had to be people-centred. It had to be directed at the fulfilment of human potential and improvement of social and economic well-being of the people. True development required a recognition that the different human rights were inseparable from each other, and that development was inseparable from human rights and the rule of law.

There were those who argued, he continued, that the right to development had no legal foundation. As stated in the Declaration itself, the right to development was a human right: and equality of opportunity for development was as much a prerogative of nations as of individuals within nations. There was no point in talking about creating new machinery for humanitarian intervention or of punishing countries which did not have the necessary economic conditions for enjoyment of civil and political rights if the United Nations or its richer members were not prepared to improve the external economic environment, or provide necessary financial resources or access to markets necessary to create conditions for development.

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MARCOS V. PINTA GAMA (Brazil) said he had read with great interest the conclusions and recommendations prepared by Special Rapporteur Danilo Türk. He stressed the relationship between civil and political rights and economic and social rights. He called for the strengthening of international cooperation during the 1993 World Conference on Human Rights and hoped that in-depth consideration of the right to development and of the indivisibility of all human rights would overcome any obstacles. The Commission should be able to explore in detail at this session the problems afflicting developing countries.

BONAVENTURE MBARUSHIMANA (Rwanda) said his country was a party to the two international Human Rights Covenants because it was convinced that those two legal instruments, together with the Universal Declaration of Human Rights and the Optional Protocol to the International Covenant on Civil and Political Rights constituted the international human rights Charter on which the value and dignity of the human being was based. In ratifying those instruments, Rwanda sought scrupulously to respect all the obligations involved therein. Respect for human rights, the rule of law and democratic institutions were indispensable for the creation of a climate favourable to improvement of the well-being of the entire population. That was why Rwanda, since June 1991, had established a new Constitution in which a multiparty system was enshrined.

He was more than ever convinced, he continued, that a people haunted by the spectre of hunger, poverty and malnutrition, in fear for its survival, could not find it possible to enjoy civil and political rights. Rwanda was doing its utmost to put into operation economic and social development policies based on self-sufficiency in food and health care for all.

Msgr. CHRISTOPHE PIERRE (Holy See) said that affirmation of the right to development, as well as the other human rights, had the merit of heightening consciousness and helping to measure the sometimes dramatic conditions in which a large part of humanity still lived. Development was not simply an aspiration. It was a right which implied a duty. The Holy See welcomed the fact that that new approach was gaining ground within the international community which, despite well-known difficulties, had to revitalize the question of development. The Catholic Church had accompanied and even preceded that demarche with a view to mobilizing the energy, in particular that of its members, in the struggle to improve the fate of mankind. The principles which inspired the Church on that subject for the past 30 years included the fundamental unity and common destiny of the human family, the equality and dignity of all persons and communities. There could be no genuine development without the promotion of democratic institutions and respect for civil and political rights. It was furthermore necessary to enhance international cooperation in order to organize true sharing at all levels.

RISTO VELTHEIM, observer for Finland, said the international community was more than ever before aware that all human rights were universal and interrelated. Yet there were many problems related to the implementation of human rights instruments, including inadequacies in national reporting as well as incomplete, inappropriate and abstract reports. Another grave problem concerned the financing of treaty bodies. In order for them to function

properly, adequate resources should be provided. However, that burden should not be placed on the parties to the treaties. Also, public information activities should be extended outside the narrow circles directly dealing with legal texts and United Nations reports. The role of the Information Centres and the national United Nations Associations could be emphasized in that context.

Regarding to Finland's experience with world human rights monitoring, he said the Advisory Board on International Human Rights Questions within the Ministry for Foreign Affairs would publish reports in Finnish and in English on the implementation of the human rights conventions. Open hearings had been held, on an experimental basis, where the responsible government officials had met with representatives of different organizations and other interested circles.

LEE SWEPSTON, of the International Labour Organisation (ILO), said his Organization's work in the area of economic, social and cultural rights took as a fundamental approach its standard-setting and supervisory mechanisms and programmes of technical cooperation and assistance to member States, employers' and workers' organisations and other non-governmental organizations. The ILO cooperated actively with the United Nations treaty bodies established to supervise the implementation of the human rights standards adopted by the General Assembly, especially economic, social and cultural rights. If the different parts of the United Nations system which had adopted standards on similar problems could combine their efforts, more uniform results could be achieved and the burden on the system itself and on member States would be diminished.

Most violations of human rights had a significant economic and social dimension, he said. Discrimination was often expressed through a denial of equal access to employment or to equal treatment in the workplace, and the worst abuses of children often took the form of child labour. It was particularly important in a time of change that the fundamental rights of working people and of ordinary citizens were not sacrificed in order to achieve political and economic goals.

J.J. KIRKYACHARIAN, observer for the Movement Against Racism and for Friendship among Peoples, said there was a link between underdevelopment and the development of racism. It was no secret that the parties of the political right campaigned against what they called "third worldism", meaning human solidarity. There was also the frightening prospect of an aggravation of inequalities, which would make friendship among peoples more difficult to attain.

While there was a great mobilization in the service of development, he went on, the problem was becoming worse. The very concept of the right to development was still criticized in the name of the principles of liberalism espoused by John Locke. But in reality, the development of the United States was not based on Locke's principles, and the same could be said of Germany and Japan. The pauperization to be found in all parts of the world was not an isolated phenomenon, but a structural one.

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The representative of the Union of Arab Jurists called for peaceful solutions to existing conflicts which led to the loss of the full realization of the right to self-determination and the right to development. Debt and the gap between rich and poor led to serious human rights violations and wars. International cooperation was the only way to full indiscriminate respect for human rights. The Gulf war -- or rather massacre -- was only part of the United States plan to spread its hegemony over the world. The "coalition" had succeded in destroying the civilian infrastructure of Iraq, bombing thousands of people with a power in excess of the Hiroshima bomb. Iraq was now back in the pre-industrial era. And in spite of all the horrors it had inflicted, the Security Council continued its blockade of Iraq. He called for a lifting of the blockade and the payment of compensation to the peoples of Iraq to redress the injustices.

CECILE SLESZYNSKA, observer for Christian Democratic International, told the Commission that the American Christian Democratic Organization, a grouping of 26 parties from Latin America, had recently adopted a resolution on foreign debt. The organization had noted that the structure of the debt made the countries of Latin America net exporters of capital. In fact, since 1983, Latin America had paid more than $200 billion to its creditors. Given the enormous deterioration in the quality of life and in medical, educational and cultural services caused by that situation, the organization had questioned the moral legitimacy and the legality of the debt.

Her organization knew, she added, that some Governments with an integrated approach to the problem had forgiven totally or in part the debts of certain countries. All creditor nations were called upon to accord a similar treatment to the developing countries of Latin America, Asia and Africa.

ADAMA DIENG, observer for the International Commission of Jurists, stated that, 10 years after the Commission had put the question of the realization of economic, social and cultural rights on its agenda, the enjoyment of those rights in the countries of the South still seemed like a dream. At a time when one could hope that humanity was safe from nuclear destruction, the explosion of the poverty bomb was tragically imminent. In that context, the concept of the primacy of law or of legality appeared as dynamic, serving not only to promote civil and political rights, but to ensure the development of the social, economic and cultural conditions in which the legitimate aspirations of the whole could be realized.

The jurists Commission, he continued, was deeply concerned by corruption, the embezzlement of public funds, international drug trafficking and the transfer of capital from the South to Western coffers. It had decided to fight the fraudulent enrichment of State officials at the expense of the public interest. It would not be asking too much to ask for the elaboration of an international instrument for legal assistance to deal with that problem.

ANNE-CHRISTINE BLOCK, observer for the Minority Rights Group, said that Bangladesh deserved support because it was a relatively new State with a new democratic civilian government created in 1991, following peaceful protests against military rule. The Government of Bangladesh was facing immense

economic problems. Yet the situation of the indigenous minorities was even more acute. In the past, vulnerable minorities such as the Adivasis had suffered from discrimination in all spheres of their lives and Bangladesh required support to improve its past poor human rights record and to introduce real and lasting changes. Her Group had recently published a research report analyzing the condition of the Adivasis, the tribal people of Bangladesh, and although only one per cent of the Bangladesh population are Adivasis, they numbered one million people.

She said that Adivasis' title to both individual and communal land needed to be strengthened and land which had been taken away from them by fraud or force should be restored to them. The Vested (Enemy) Property Act should be repealed and the lands restored. She invited international donors to study the report and consider ways in which aid programmes for the poorest could be of real benefit to the Adivasis.

MARCEL ZINSOU, observer for Pax Romana, said the majority of humanity faced a grave crisis characterized by indebtedness, the deterioration of the terms of trade, monetary instability and inequalities in international economic relations. Africa was the source of the most intense concern. In fact, that continent was proportionally the world's most heavily indebted region. And the situation risked getting worse as a result of new loans, the rise in interest rates and the low level of exports. Attention should be paid to the social dimensions of development; that was crucial for poor countries as they carried out structural adjustment programmes. The development proposed to those countries must reconcile their traditional values with modern management.

ROGER WAREHAM/JUAN ALVARADO, observer for the International Association Against Torture, stated that the United States extolled its preservation of individual liberty, but what happened in the United States to deny the right of development to 40,000,000 Africans, one and a half million indigenous peoples and some 16,000,000 Latinos? The 1988 infant mortality rate for black babies was more than twice that of whites; black women were more likely than white women to die from breast cancer, and the black poverty rate, at 31.9 per cent, was triple that of the white rate.

Africans in the United States were victims of a racism that had made them a de facto underdeveloped nation, with the common interests and characteristics of a "South" country that was struggling to survive in the heart of history's wealthiest country, he said. Furthermore, the United States created and maintained underdevelopment in the same way internationally. The objective of that policy, carried out either bilaterally, or through agencies like the International Monetary Fund (IMF) or World Bank, was the same -- a monoply of control, expropriation of wealth and maintenance of dependence -- the antithesis of development. The people of the third world were concerned about regionalization which obstructed the realization of human rights. Guatemala did not only violate human rights instruments, it also treated violators with impunity.

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ALEJANDRO TEITELBAUM, observer for the American Association of Jurists, said that last October, the IMF had once again inflicted on the world its optimistic forecasts for the world economy. But facts were obdurate, and the IMF's forecasts were far from coming true. In 1988, a chief economist from the IMF had resigned his post and publicly denounced the institution's practice of falsifying statistics to better justify its devastating adjustment policies. Moreover, in recent years the IMF had been trying to adopt a new look. The new-look IMF was supposedly concerned about the effects of adjustment.

But, he continued, not only did the Fund's policies not take into account their social consequences, but there had been a regression in social security that in some third world countries took on the characteristics of a total dismantling of social protection. The General Assembly should declare policies and practices that impeded the realization of economic, social and cultural rights as international crimes. The IMF and the World Bank violated in practice the ends they were created to work for. Moreover, their agreements with and relationship to the United Nations did not correspond to those prescribed for specialized agencies by the Charter.

C.M. EYA NCHAMA, observer for the International Movement for Fraternal Union among Races and Peoples, asked what poverty was and how people should act toward poor people. Those questions had to be answered in order to combat poverty. There were two kinds of poverty, he said, material and spiritual. The latter was more dangerous since those affected usually felt inferior. Material poverty could be caused by natural disasters or transnational companies, but it did not even need to have an external cause.

Poverty, he concluded, had many forms and causes. The best way to help poor people was to provide them with the means to solve their poverty. Paternalism had to be avoided as a manifestation of racism. Tackling the problem of poverty meant tackling problems of power between North and South.

LOYOLA GUZMAN, observer for Latin American Federation of Associations of Relatives of Disappeared Detainees, stated that in 1991 there had been a number of institutional and political changes in Colombia which had been characterized by the Government as the beginning of a new era. However, the people of Colombia had seen the continuation of political violence and the systematic violation of human rights. It was was true that the new constitution enshrined the full spectrum of human rights. The document specifically prohibited forced disappearances, which represented an advancement, but it did not modify the spirit, training or the function of the armed forces. Neither did it change its policies and doctrines, which had inspired and provided cover for their members in committing rights abuses. The character of the persistent violations indicated that they were not isolated incidents, but rather a part of the State security policy.

ZHU XIAO MING (China) referred to claims made by the organization Human Rights Advocates as "a vicious attack on China's policy in Tibet." Those statements, he said, were identical to those the NGO had made three years ago. A Chinese proverb said: "A lie did not become truth by virtue of

repetition". The fourth national Chinese census showed that the population of Tibet had doubled since 1981. Its growth rate was higher than the national Chinese average. It was a lie to claim that Tibetans were a minority in Tibet and subjected to policies which included genocide. Those lies did not discredit China's reputation. Rather, they discredited the non-governmental organization community.

GUANALBERTO RODRIGUEZ (Bolivia) said the non-governmental organization United Nations Youth and Student Movement had made tendentious comments regarding Bolivia. Unemployment was down as was the rate of inflation, and it was unclear to him how that led to the organization's claim of increased poverty. The current economic stability in Bolivia meant that more could be spent on social programmes. The government had negotiated with the trade unions in the preparation of the State budget, but labour strikes had been used as a political tool to destabilize the government. It was difficult to say the state of Bolivian democracy was deteriorating. The truth had been destorted with impunity.

JOSE H. de BRITO CRUZ, observer for Brazil, referred to comments by the International Federation for Human Rights on the question of violence in rural areas in Brazil. He said violence in rural areas stemmed ultimately from disputes concerning land ownership and socio-economic relations. The representative of the Federation was right when he linked that question to the realization of the right to development. Development could not be considered to have achieved its full meaning if it did not bring increased respect for the rights of individuals and an increased sense of security for all. The problems described by the Federation had been intensely discussed in Brazil, and the government was committed to continue to improve the law enforcement and judicial treatment of individual cases, as well as to move towards a comprehensive solution to the underlying causes.

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HUMAN RIGHTS COMMISSION TAKES UP MINORITY RIGHTS, RELIGIOUS DISCRIMINATION

GENEVA, 7 February (UN Information Service) -- The Commission on Human Rights this morning received the final draft of a declaration on the rights of persons belonging to minorities. Speakers welcomed the finalization of the draft, after 14 years of work by one of its working groups, and recommended its adoption.

Introducing the draft, Zagorka Ilic, Chairman/Rapporteur of the Commission's Working Group on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities, said the text was based on the original proposal made by the Government of Yugoslavia in 1978. The drafting process had been slow due to, among other things, time lost waiting for a definition of "minority" and to unfavourable international conditions.

Also this morning the Commission received the report of the Special Rapporteur on the elimination of all forms of intolerance and discrimination based on religion or belief.

The representatives of the United States, Hungary, Austria, Bulgaria, Australia, Netherlands, China, Russian Federation, Italy and Finland made statements.

The following non-governmental organizations also took the floor: International Federation of Human Rights, Indian Council of South America, the Commission for the Defence of Human Rights in Central America and Baha'i International Community.

Rights of Minorities

Introducing the Report of the Working Group on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities, the Chairman Rapporteur, ZAGORKA ILIC (Yugoslavia) noted that the drafting of the declaration, which was based on the original proposal made by the Government of Yugoslavia in 1978, had been very slow. The Working Group had waited two years for the Subcommission on Prevention of Discrimination and Protection of Minorities to come up with a definition of the term "minority", which never materialized. The sensitivity of the subject matter and unfavourable

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international conditions had contributed to the delay. The draft declaration contained in the report included a preamble and principles governing the protection of persons belonging to minorities; obligations of States to create conditions to ensure their rights and provide that States should cooperate on questions relating to minorities to promote understanding, confidence and respect for human rights.

Elimination of Intolerance and Religious Discrimination

Introducing the sixth report on the Implementation of the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, Special Rapporteur ANGELO VIDAL D'ALMEIDA RIBEIRO (Portugal) said that since the last report, the situation of religious tolerance in Eastern Europe had continued to improve although intolerance had continued to manifest itself in varying degrees throughout the world.

In July 1990, the Special Rapporteur had sent an 11-point questionnaire to States with the aim of better appraising the constitutional and legal guarantees of freedom of thought, conscience, religion and belief. By 30 November 1991, 61 Governments had responded and analyses of their answers were to be found in the report, he said. Specific incidents in various countries examined by the Special Rapporteur were also included in the report. Among its conclusion, the report noted that a number of Eastern European countries had reintroduced Christmas as a public holiday and the new climate of religious freedom had resulted in a significant increase in the number of baptisms in those countries. The Special Rapporteur expressed concern, however, about incidents which had occurred as a result of the Gulf crisis. The report referred to members of the majority Shia religious community in Iraq and said the incidents constituted an infringement of the provisions of the declaration.

Other Statements

CHARLOTTE PONTICELLI (United States) said that, even after the death of the cold war and the spread of democracy, ethnic unrest had ignited violence in various parts of the world with varying degrees of intensity. Some suggested that the divisions were so strong in some countries that no system of law, no model of government, could avert violence and chaos. But the United States believed such a view was both dangerous and defeatist. Examples abounded of countries with multiple ethnic groups that had managed rivalry and conflict successfully through the protection of individual human rights.

The notion of group rights, on the other hand, was a recipe for inter-ethnic hostility and for resentment by majorities, she continued. Affirming the importance of individual human rights in protecting minorities in no way disparaged ethnic or gender affiliation. In asserting the importance of individual rights, the United States did not mean to imply that nothing more needed to be done to promote tolerance and harmony. That was why her country was satisfied with the current Working Group draft of the declaration of rights of minorities. The draft affirmed that it was the individual members of minorities who had rights, not the groups themselves.

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That was basic to ensuring that human rights belonged to every single individual.

TIBOR TOTH (Hungary) commented that the frontiers drawn on maps very frequently did not coincide with the confines of territories inhabited by the different national, ethnic, linguistic or religious minorities. It was sad, he said, that the world now faced situations which might have been avoided had there been a Declaration on the rights of minorities. However, among the major deficiencies of the declaration were rather vague formulations and the lack of a clear-cut definition of minorities. But the draft proved that all members of the United Nations attached utmost importance to the problems of minorities and wished to keep the matter on the agenda. The question of minorities could never be considered as solved forever, nor could it be regarded as an exclusively internal affair of States. The survival chances of minorities could only be guaranteed in conditions of democracy and by the rule of law.

He said the idea of setting up a working group or appointing a special rapporteur on minorities to assist in identifying problems, promoting dialogue and finding solutions merited further elaboration. The Commission should adopt the draft declaration by consensus.

FELIX ERMACORA (Austria) said his country would welcome the unanimous adoption of the draft declaration. In 1867, the Austrian-Hungarian monarchy had constitutionally guaranteed and protected the fundamental rights of all ethnic groups. Today, the population of Austria comprised several ethnic groups, whose members were provided with the means to defend their legitimate interests and exercise their rights effectively. Austria also played a role in safeguarding the German speaking element in the Italian province of Bolzano, South Tirol.

The declaration, he continued, was not a convention, but a political directive which emphasized how to interpret article 27 of the International Covenant on Civil and Political Rights. Since international law did not define minorities, it was up to the States to develop their own concepts. But international organizations and, in particular, the United Nations, should now be able to decide on the basis of the declaration whether minority issues were involved in any given situation. Indeed, the abandonment of the search to find a definition of minorities showed that the Commission had finally chosen a pragmatic approach to the problem. The declaration contained, however, a number of basic provisions which were applicable to all situations involving minorities, as "dissimilar" as they might be. The declaration must be understood in the context of other rights recognized by international law.

VLADIMIR SOTIROV (Bulgaria) stressed the importance of the principles of equality before the law and non-discrimination on any grounds whatsoever. New Bulgaria, he said, had categorically condemned the repression and the attempts at forcible assimilation vis-á-vis Moslems and Bulgarian Turks, perpetrated mostly over the last few years of the totalitarian regime. Article 29 of the new Constitution explicitly prohibited forcible assimilation; religious freedoms had been completely restored; newspapers and magazines in Turkish and

Armenian were published and there was freedom for the activities of cultural association of Bulgarian Turks, Gypsies, Armenians and Jews. The lofty goals of the draft declaration were targeted at promoting respect for individual human rights irrespective of race, sex, language or religion.

PETER THOMSON (Australia) said the draft declaration was useful and should be adopted at this session. His country was particularly concerned over the violence in Croatia, parts of Yugoslavia and in Nagorno-Karabach. In Australia's immediate region, human rights problems in Sri Lanka derived in large measure from ethnic conflicts, while minority problems in Myanmar had also been accompanied by human rights abuse.

Australia, he continued, was a nation with numerous immigrants and ethnic groups. The indigenous peoples of Australia, the Aboriginal and Torres Strait Islander peoples, constituted separate and special minorities in Australian society. Those peoples' occupation of the Australian continent dated back at least 40,000 years. The special status and needs of the indigenous peoples of the world -- although technically constituting a minority -- were not identical to those of most minorities. That was why Australia was supporting the work of the Working G oup on indigenous populations and the drafting of a universal declaration on the rights of indigenous peoples.

PETER H. KOOIJMANS (Netherlands) recalled that the decision to establish an open-ended working group to consider questions related to the drafting of a declaration on the rights of members of minority groups was made on the proposal of Yugoslavia. It was tragic, he said, that at the moment when that time consuming operation had finally borne fruit, the country which had set it in motion was itself torn by violent conflicts between various ethnic groups. He hoped the bloodshed would soon end and that the various ethnic groups would find a way to live together.

The Working Group's task had been difficult and cumbersome, he continued. That might have been due to the fact that minority rights were not a separate set of rights to be distinguished from individual human rights. The final goal of the protection of minorities was the full enjoyment by all members of a society of their human rights, irrespective of their ethnic, cultural, religious and linguistic origin. Protection of minorities, therefore, was a means to an end, not a goal in itself. The draft declaration lent itself to adoption by the Commission. A multi-cultural society should not be seen as a threat but rather as a source for mutual enrichment.

YI PING (China) said the protection of the rights of minorities had increasingly become the focus of concern in the human rights field. China was a unified multinational country with a long history. The founding of the People's Republic of China had forever abolished oppression and discrimination among the different nationalities. China had persistently accorded equal importance to the languages of all nationalities. The State respected the customs of minority nationalities, making a special effort to ensure the production and supply of the goods essential to their exclusive needs.

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The policy of regional national autonomy was important for safeguarding the rights of minority nationalities, he went on. That meant that minority nationalities, under the unified leadership of the central Government, could set up organs of self-government. Before the founding of the People's Republic, most of the regions inhabited by the minority nationalities were extremely backward. In terms of economic, cultural and social development some minority nationalities were on the brink of extinction.

The People's Republic, he said, had made sustained efforts to realize the common prosperity of all nationalities. Measures such as preferential treatment aimed at bringing into full play the creativity and initiatives of the minority nationalities had been adopted. Tibet and some other backward and far-flung regions had benefited from total exemption of agricultural and animal husbandry taxes, for example. In China, the lofty goal pursued by the Government and people of all nationalities was to further guarantee the various legitimate rights of the minority nationalities.

YOURI BOICHENKO (Russian Federation) said that, as early as 1948, the General Assembly had expressed concern over the fate of national minorities. In Europe, there was now a resurgence of consciousness. It had not always been possible to resolve discords arising from the national question peacefully. The potential explosiveness of disregard for national identity had to be recognized.

Russia, he went on, had inherited a complex legacy; there were more than 100 nationalities in the country. Only by respecting that diversity would the country be able to achieve harmony. That had been taken into account by the Parliament in drafting new human rights legislation. The linguistic sovereignty of individuals, even for small groups or groups with no States, had been recognized. Matters relating to the protection of minorities had been incorporated in agreements with other members of the Commonwealth of Independent States. Russia welcomed completion of the draft declaration. Although it was far from perfect, the declaration took into account the existing norms in international law regarding the question. He hoped the Commission would recommend its adoption as a minimum set of standards for the protection of minorities.

FRANCESCO MEZZALAMA (Italy) said his country had pointed out on several occasions the urgent need for a body of principles on the rights of minorities. The dramatic events which had occurred during the last months confirmed the explosive nature of certain situations, not only inside States, but also at the international level. Such events showed that the progressive satisfaction of the aspirations of individuals to freedom and democracy had to be accompanied by adequate protection of minorities. The latter was also essential to the safeguarding of the social and political stability of the democratic life of States.

The draft submitted by the Working Group, he continued, was a text whose tenor was well-balanced and offered a proper solution to both the enjoyment of individual rights by persons belonging to minorities and to the question of the protection of minorities as such. The implementation of those principles

at the national level and within regional and bilateral cooperation, would allow the Commission to grant its protection to a most delicate sector of society, thus contributing to the removal of one of the causes of tensions world-wide.

RISTO VELTHEIM, observer for Finland, said he welcomed the unanimous adoption of the draft by the Working Group as an important step forward in enhancing the protection of minorities. Non-governmental organizations had made a significant contribution to that work.

He said article 27 of the International Covenant on Civil and Political Rights, as the key provision concerning the protection of minorities in current international law, authorized affirmative action. The work for the enhancement of minority rights must be continued and the topic be kept on the agenda of future session of the Commission. The Nordic Governments hoped that the preparation and further development of documents on minority rights would continue after the approval of the draft declaration. In that regard, the declaration on the rights of indigenous peoples was very important. The Nordic countries had also taken note of the proposal by the Under-Secretary-General for Human Rights, Jan Martenson, on 27 January to set up a working group or to appoint a special rapporteur on minorities.

CHRISTIAN GROSSE, observer for the International Federation of Human Rights, said his organization had closely followed the long struggle of the Working Group on the draft declaration. As a standard-setting mechanism it was only a partial solution. There was an urgent need to come up with imaginative international solutions on ways to continue the dialogue between Governments and minorities. A non-juridicial, non-constraining mechanism for peaceful reconciliation, as discussed in a human rights workshop of the Council of Europe, could be a feasible solution.

THOMAS CONDORI, observer for the Indian Council of South America, said indigenous peoples in South America were fighting for their rights to life and to land. In Bolivia, for example, there were no statistics on the ethnic groups in the east of the country. Some groups were threatened with extinction, while some of the large ones were constantly threatened by timber companies, settlers, cattle farmers and others.

To fight those trends, he said, the indigenous peoples had formed an organization that had succeeded in obtaining the promulgation of a series of decrees from the Government on land restitution. However, some of these decrees had been disregarded. The indigenous peoples requested the assistance of the international community. The State administration in Bolivia, he went on, ignored the Symara and Quechina languages. Moreover, as a result of discrimination, many indigenous people denied their identity so as to avoid humiliation.

ROSARIO CUEVAS, observer for the Commission for the Defence of Human Rights in Central America, said his organization denounced the persistent persecution of indigenous peoples in Central America. The Governments had taken their land and appropriated their resources. In Guatemala, there was an

official policy of "ethnicide", disapperances, extrajudicial killings -- all of which were rewarded with impunity. Military service was also discriminatory -- recruiting mostly indigenous peoples. Illiteracy and death from curable diseases affected indigenous peoples disproportionately. His organization urged the Government of Guatemala to cease these repressive measures, forced conscription and self-defence patrols and to protect the indigenous peoples. All Central American countries had to improve respect for the economic, social and cultural rights of their indigenous peoples.

MACHID FATIO, observer for the Baha'i International Community, congratulated the Commission's Working Group on its completion of the draft declaration. Given the stressful nature of deliberations on such a sensitive topic, he said, that was a genuine breakthrough. Members of the very minority groups the draft declaration was designed to protect were experiencing intense suffering and anguish in a number of violent conflicts now raging in the world.

With respect to the long-term prospects for resolving these conflicts, he said, the Baha'i International Community regarded the current situation as a phase in an organic process leading ultimately and irresistably to the unification of the human race in a single social order. Cooperation would emerge from a growing consciousness of the oneness of humanity and would be facilitated, Baha'is believed, through a process of consultation and deliberation. Constructive consultation was possible only when both minorities and majorities renounced their stubborn clinging to long standing and misguided attitudes of superiority and condescension.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/311
10 February 1992

HUMAN RIGHTS COMMISSION CONTINUES EXAMINATION OF MINORITY RIGHTS, RELIGIOUS INTOLERANCE

GENEVA, 7 February (UN Information Service) -- Persistent world-wide violations of the freedom of religion were cited as a cause for concern at this afternoon's meeting of the Commission on Human Rights.

Alluding to the report of the Special Rapporteur on Religious Intolerance, according to which 25 Member States experienced acts of religious intolerance, discrimination or persecution, Commission members called for further implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

The Commission also continued discussion of the rights of persons belonging to national, ethnic, religious and linguistic minorities.

Statements on those issues were made by Poland, United States, China, Russian Federation, Netherlands, Syria, Peru and Austria. The following non-governmental organizations also addressed the Commission: the International Work Group for Indigenous Affairs, the International Fellowship of Reconciliation, Women's International League for Peace and Freedom, the International Association against Torture, Minority Rights Group and the World Jewish Congress.

The representatives of Costa Rica and Bangladesh exercised the right of reply.

Statements

EIN MARTA, observer for the International Work Group for Indigenous Affairs, said that Myanmar today was one of the most politically and economicaly unstable States, with 14 million members of national and religious minorities being denied not only their national and religious rights, but their right to self-determination as well. The minorities were being forced to flee the country, endure injustice in fear and silence, or resort to armed resistance, and in the latter case, excessive force would be used against them.

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For information media—not an official record

Atrocities had driven over 150,000 members of minority groups into Thailand, Bangladesh, China and India, he said. Moreover, this year the opium harvest in Burma was estimated to be over 2,500 tons, as the military authority had signed a cease-fire agreement with the country's opium warlords and was cooperating in the production of heroin. Burma was a threat to regional security and world peace.

DAVID LITTMAN, observer for the International Fellowship for Reconciliation, said a gathering storm threatened Nagorno-Karabagh again; more pogroms were on the horizon and even more massacres were threatening. Nearly a century ago, from 1894 to 1896, over 250,000 Armenians had been massacred. The Armenian people were still waiting for unequivocal recognition by the international community of a genocide that was recorded at that time by thousands of witnesses and by impartial historians since then. The Commission should adopt an urgent declaration recommending that the United Nations immediately station a United Nations force to protect the Armenian population and that an ad hoc contingent be formed from Russian Federation soldiers.

He said he wished to expose a persistent and unacceptable denial of equal rights in Israel, an institutionalized discrimination in respect of a religious minority. In Israel, Reform and Conservative Jews were not legally restricted in their religious practice, but they were obliged to submit to Orthodox Jewish rules of marriage, divorce and burial, and they were not granted the same rights and privileges as Orthodox Jews. There had to be full equal rights for all in a democracy. It was high time that the Israelis put an end to that discrimination.

KATHY BERGEN, observer for the Women's International League for Peace and Freedom, said the Palestinian minority in Israel was often overlooked by the international community. That minority was incorporated into the State of Israel in 1948 and had suffered considerable loss of their rights since then. Constituting nearly 18 per cent of the total population of Israel, the Palestinians suffered discrimination and experienced human rights violations daily, despite the claim that they had the same rights as Israelis. The most critical issue facing the Palestinians in Israel was land confiscation, which was practically institutionalized. The confiscated land was used for the benefit of Jewish Israelis only.

Military service, which was used as the criterion for a wide range of State benefits, was a duty performed by most Jewish Israeli citizens and by some Palestinian citizens, she said. These benefits constituted a form of covert discrimination against the Palestinian minority. Moreover, the National Committee of Arab Mayors had determined that the average sum per capita in Palestinian municipal budgets was 25-30 per cent of that of the Jewish Israeli municipal budgets. The educational system in the Palestinian community had been neglected, with a shortage of 1,300 classrooms in the Arab schools. Furthermore, unemployment in the Arab sector stood at nearly 25 per cent, more than double that of the Jewish Israeli sector. And the law of return allowed Jewish citizens returning to Israel to benefit from certain tax exemptions. Non-Jewish citizens were not entitled to such benefits.

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JUAN LEON ALVARADO, observer for the International Association against Torture, said he was part of the Quiche ethnic group, one of the 22 groups that made up Guatemalan society. That did not mean that they could participate in the running of the society. The roots of the continuing oppression could be found in the arrival of the Spanish, who in 1524 had given rise to a systematic campaign of denial of human life. While the Constitution of Guatemala recognized indigenous rights, dispossession of land and the destruction of indigenous culture were encouraged in daily practice.

Indigenous people in Guatemala, he continued, were victims of kidnappings, massacres, torture and intimidation. There was forced military recruitment, and communities that resisted the repression were subjected to such treatment as bombings, military siege and the burning of crops. The indigenous peoples had resisted and continued to resist the destruction of their lives and their cultures. They would not rest until they were respected as human beings.

ALLAN PHILIPS, observer for the Minority Rights Group, said the United Nations had for a long time deliberately avoided taking a serious interest in minority concerns and had focused on States. Minority rights had been something of an embarrassment to States, because those rights could be misunderstood as threatening the integrity of the State; but minorities would only be a threat if they were marginalized in the society.

The draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities was a direct attempt to address minority rights within the United Nations framework of human rights standards. But the draft was not as strong as his organization would have wanted. It would be important to build on the goodwill and consensus that had emerged and to support States in applying the standards. Additional aid allocations would be helpful, though a declaration was not a binding international legal instrument. The Commission should immediately accept the draft declaration on the rights of persons belonging to minorities.

DANIEL LACK, observer for the World Jewish Congress, said that one of the most disturbing features of the Special Rapporteur's report was the picture it painted of incitement to life-threatening violence and hatred on an ever increasing scale on grounds of race, religion, ethnic or other origin. Both in Eastern and Western Europe and in other regions, political, economic and social upheavals had given rise to outbreaks of violence, inter-ethnic strife and religious prejudice. One typical example, namely anti-Semitism, had reached dramatic proportions. Some of the consequences accompanying the upheavals in the aftermath of the changes in the ex-Soviet Union and the reform of the structures of other neighbouring States included nationalist extremism, religious prejudice and intolerance and the exacerbation of inter-ethnic, racial and religious hatred and violence. One particularly alarming phenomenon was the spread of anti-Semitic hatred by extremist groups, of which more than 100 had sprung up in Russia.

He said there was long-standing religious discrimination against members of the Syrian Jewish community residing in Aleppo, Damascus and Kamishli.

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Members of that community were not permitted to emigrate from Syria and were allowed to visit abroad only for short periods. The practice of religious discrimination was a blatant violation of Syria's obligations under article 12 of the International Covenant on Civil and Political Rights, which entitled everyone to leave and return to any country, including his own.

ZDZISLAW KEDZIA (Poland) said it was no accident that the legal status and the protection of persons belonging to national, ethnic, religious and linguistic minorities drew the attention of the international community at large. That interest stemmed from both historical and current experience which bore witness to the fact that violation of minority rights had frequently become the source of serious domestic and international conflicts and that the existence of minorities could significantly enrich the life of the whole society.

In that context, he continued, he welcomed the draft declaration because it was a complete international instrument in the field of protection of minorities and contained all the commitments which were reachable at the universal level in that very sensitive field. The declaration, if adopted, would provide the Commission with a general framework for the protection of minorities both domestically and bilaterally. Minorities living in Poland were perceived as a very important factor of its development, and as enriching community life. They enjoyed efficient legal and organizational protection.

JOHN F. BURGESS (United States) said that one of the most serious situations reflected in the Special Rapporteur's report, and one which had to be condemned in the strongest of terms, was the continuing oppression of the Baha'is in Iran. Members of the Baha'i faith continued to have no legal guarantees that they would not be arbitrarily dismissed from employment, have their property confiscated, be denied admission to schools and expelled from universities, be refused licenses to operate businesses, or be forced to languish in Iranian prisons -- all because of their faith.

In China, he continued, there were reports of government restrictions on religious practice outside of officially recognized and government-controlled organizations. Religious believers particularly affected included Muslims, Christians and Tibetan Buddhists. There was evidence that the Government of Sudan had embarked on a campaign to impose Islam in southern Sudan. There were reports of escalating pressure on Christian religious personnel and institutions, with harassment, intimidation and incarceration of religious personnel having increased in recent months. When Governments officially viewed religious groups as threats to their security, oppression and persecution could only follow. Many of the declaration's recommendations had not been implemented. They should be publicized.

ZHU XIAOMING (China) said the respect and protection of the freedom of religious belief constituted the basic policy of the Chinese Government on religious affairs. There were many religions in China, including Buddhism, Daoism, Islam and Catholicism. It was difficult to provide statistics on those who believed in Buddhism and Daoism as they did not go through a formal ceremony to become believers. There were eight religious organizations at the

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national level, and more than 2,000 at the local level. They independently ran their religious colleges and schools and provided training to young religious professionals.

In recent years, he went on, friendly relations had been developed between China's different religious organizations and their counterparts in more than 70 countries and regions. Citizens, whether religious or not, were equal politically and before the law. At the same time, the Government would not permit any activity aimed at splitting the country, disrupting social order, or harming the physical and spiritual well-being of its citizens to take place under the cloak of religious practice. Indeed in recent years, a small number of religious believers had been subjected to criminal or administrative punishment because of their illegal and criminal activites.

OLEG MALGUINOV (Russian Federation) said his country was working on legislation in line with the Declaration's provisions to ensure the coexistence of all religious groups. He welcomed the dialogue between States and the Special Rapporteur carried out through his questionnaire and called on countries which had not yet done so to furnish appropriate information. He also called for the development of a legally binding instrument in that field.

PETER KOOIJMANS (Netherlands) commended the Special Rapporteur on Religious Intolerance for his comprehensive report, and said one thing seemed to be clear: it was the duty of the State authorities to guarantee to every one within their jurisdiction the right to have their own religion or belief and to practise it alone or in community with others and to manifest it -- without, of course, infringing on the rights of his fellow-citizens. He failed to see how the mere act of following one's conscience could under any circumstances be seen as an offence or a threat to State security. He shared the satisfaction expressed by the Special Rapporteur about the significant changes which had taken place in that respect in Eastern European countries.

Of particular concern, he said, was the intolerant attitude and practice of some religious communities themselves, which denied to others what they claimed for themselves. The Special Rapporteur had observed that the issues of proselytism and apostasy in a number of countries were very sensitive. It was clear that proselytism could go so far as to infringe upon the freedom of others. Nevertheless, every individual had the right to try to convince others that his or her belief or religion really set one free. Consequently, every individual had the right to change his religion. He shared the concern of the Special Rapporteur about the hardships encountered by members of religious minorities in a number of countries, especially those with an official or clearly predominant majority religion.

GHASSAN HAIDAR (Syria) said that, in the Special Rapporteur's report, certain information was given about the Jewish minority in Syria. Syria respected all its religious minorities. A memorandum sent to the Human Rights Centre detailed the rights and freedoms enjoyed by Syrian citizens of the Jewish faith alongside all Syrian citizens. The memorandum had also mentioned the number of churches in Syria. Syrian Jews were free to register in any university without discrimination. Syrian Jews also practised their right to

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representation at all levels of Syrian public life. The Chief Rabbi of Syria had testified to that.

HUBERT WIELAND (Peru) said that religious intolerance continued to be detected. That was a problem that affected the integrity and dignity of individuals and constituted a threat to the enjoyment of other human rights. Intolerance was deeply engrained in human nature. Peru was a democratic country, where freedom of belief was specifically enshrined in the Constitution and in the legal system. However, in 1991 four Catholic priests and nuns engaged in religious and social work on behalf of the most downtrodden members of society had been kidnapped and murdered by the armed subversive group "Sendero Luminoso", or Shining Path.

As to the eradication of religious intolerance, he went on, there were various paths to follow, one of which was implementation of the Declaration. With respect to the elaboration of a binding instrument on the question, Peru agreed with the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities that such a document would have to be based on existing human rights instruments. The promotion of democracy, as well as dialogue and education, were also important.

THOMAS MICHAEL BAIER (Austria) said that, during the last few years, his country had observed with particular interest developments in Central and Eastern Europe. Austria was most satisfied that the positive trends monitored by the Special Rapporteur in his last report had been further affirmed and, in particular that, in line with last year's recommendations, certain countries had revised their constitutional and legal systems. On a global scale, however, there were various ongoing acts of intolerance and discrimination with regard to religion or belief. The reference made in the report to severe punishment for conversion to another religion in some countries was a cause for concern.

Austria noted with appreciation that most Governments did not apply the principle of reciprocity to foreigners in matters of religion or belief, even when they were aware that their own citizens might not enjoy the same degree of religious freedom in their countries of residence. He was alarmed by the inaction of security forces in situations where their intervention might have been called for as well as by disturbing reports according to which, in some cases, security forces had themselves taken part in repression based on religious intolerance. He deplored that, once again, several countries had refused to cooperate with the Special Rapporteur.

Right of Reply

JORGE RHENAN-SEGURA, observer for Costa Rica, said the Central American Commission on Human Rights had this morning alleged that indigenous peoples in his country were suffering from neglect. There was a new law on indigenous identification which aimed at providing indigenous people with the documents necessary for the enjoyment of special legislation in addition to the rights they shared equally with other Costa Ricans. Costa Rica had ratified Convention 169 of the International Labour Organisation on the protection of

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indigenous peoples. The speaker who had made the allegations should examine Costa Rica's records. He did not understand why a non-governmental organization had tried, without any basis in reality, to tarnish the reputation of his country.

IFTIKHARUL KARIM (Bangladesh) referred to the intervention of the Minority Rights Group and reiterated that there was no indigenous population in Bangladesh. His country was a spiritual and cultural melting-pot and all citizens were fully integrated into national life. There were indeed tribal groupings, many of whom had been converted to Christianity. If the Organization considered that to be an interference in tribal organization, then Bangladesh would not argue. There was full respect for all human rights in Bangladesh. An internationally inspired terrorism was occurring on Bangladesh's borders. The presence of the Bangladesh Army was designed to counter those local insurgencies.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/312
11 February 1992

UNITED STATES VICE-PRESIDENT QUAYLE ADDRESSES HUMAN RIGHTS COMMISSION

Debate on Minority Rights and Religious Discrimination Continues

GENEVA, 10 February (UN Information Service) -- The Commission on Human Rights should not count among its member States those who grossly violated human rights, said United States Vice-President Dan Quayle before the United Nations main human rights organ this morning.

Referring in particular to Commission members Iraq, Iran and Cuba, Mr. Quayle declared that it was "unconscionable that member States of this Commission, who are called upon to judge and set an example for others, should include those who mock the very principles we are committed to uphold". The emerging new world order, he added, would emphasize the importance of human rights and it would work to expand the frontiers of pluralism, tolerance and individual liberty.

Mr. Quayle's address was made as the Commission continued to examine the questions of the rights of persons belonging to minorities and of the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief.

Speaking on those items were the representatives of Nigeria, United Kingdom, India, Costa Rica, Ireland, Holy See, Italy and Lithuania.

The representatives of Iran, Palestine, Iraq and Cuba exercised their right of reply.

Statement by Vice-President of United States

J. DANFORTH QUAYLE, Vice-President of the United States, said his country was a nation built around a simple but compelling idea: that all men and women were created equal; that they were endowed by their Creator with inalienable human rights; and that the purpose of Government was to protect those rights. Of course, American practice had sometimes fallen short of American ideals. In the nineteenth century, Americans had fought the bloodiest war in their history to end the evil of slavery. And in the

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For information media--not an official record

twentieth century, Americans had struggled to make the American dream a possibility for all. Today, that effort continued.

For much of this century, the American ideal had also found expression in foreign affairs, Mr. Quayle went on. Simply put, the United States had sought universal recognition of the primacy of human rights. With a suddenness no one could have predicted, millions of individuals, communities and captive nations were now free. In Latin America, democratic pluralism and free choice in the marketplace were the watchwords of a hemispheric awakening. Across Africa, the promise of democracy was ushering out the post-colonial era. Throughout the world, the people were becoming masters of their own destinies. By their very freedom, they reminded one that any attempt to create a new world order without taking into account the aspirations of ordinary men and women to a life of individual dignity was doomed to failure.

Today, he continued across Central and Eastern Europe, human rights had triumphed over Leninist ideology. The collapse of the Communist revolution, the end of the cold war, and the spread of democracy world-wide were no accidents. America and its friends and allies stood firm on principle, and their principles had prevailed. During that long and difficult struggle, the United States had been at times compelled to place less emphasis on human rights concerns in its relations with others. When the Soviet Union under Stalin became an indispensable ally in the fight against Hitler, no one had questioned that the imperative of defeating the greater evil of nazism had to take priority. So too, after the war, when Soviet ambitions for global domination threatened freedom around the world, standing up to the greater evil of Communist aggression had required some painful compromises.

Today, no global evil forced such distasteful dilemmas on the United States, he declared. The world community recognized that peace and security were closely linked to respect for human rights and national dignity. That was why, when the world's fourth largest army invaded and terrorized Kuwait, the United Nations Security Council had stood up to Iraq's aggression. A year after Kuwait's liberation, one could contemplate a world in which the United Nations was seen as a legitimate and effective instrument for the resolution of disputes and the advancement of shared values. A month after the General Assembly had redeemed its credibility by repealing the so-called "zionism is racism" resolution, one could speak of moral suasion and the growing weight of world opinion.

Today, as never before, the possibilities for advancing human rights were enormous, he said. But despite all the progress and reasons for optimism, much remained to be done. Unfortunately, massive human rights violations continued to occur in many parts of the world. Terrorism, sometimes State-sponsored, continued to claim innocent victims. On the Commission itself were some of the world's worst violators of human rights. It was unconscionable that member States of the Commission, who were called upon to judge and set an example for others, should include those who mocked the very principles they were committed to uphold, in particular, the Governments of Iraq, Iran and Cuba.

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The emerging new world order, said Mr. Quayle, would emphasize the importance of human rights and expand the frontiers of political pluralism, tolerance and individual liberty. The difficulties experienced with democratic advances in countries such as Haiti, Algeria and Romania merited the Commission's concern. The democratic revolution could not be allowed to falter at this pivotal moment in history. The United States would always respect the sovereignty of nations; however, it would not hesitate to speak the truth about clear violations of civil rights and civil liberties wherever they might be found and whoever might be responsible. The days when a Government charged with human rights abuses could cite "sovereignty" or "non-interference in internal affairs" as a defence, were gone.

It was the most ardent ambition of the United States that one day soon the basic principles and freedoms enshrined in the Universal Declaration of Human Rights would become a way of life for all the nations and peoples of the earth.

Other Statements

OKON I. UDOH (Nigeria) said his was a multi-ethnic and multi-religion country where every group, indeed every individual belonging to every group, enjoyed the freedom and the rights guaranteed in the fundamental human rights instruments. He appreciated the preliminary report of Special Rapporteur Asbjorn Eide on ways to deal with problems relating to minorities. The upsurge in intolerance and discrimination gripping many countries in Europe today was a dangerous trend. The violence, if continued, was likely to spill over national boundaries and engulf not only the whole of Europe, but affect Asia and Africa.

Regarding the question of the implementation of the Declaration on the Elimination of Intolerance and Discrimination based on Religion or Belief, he said the international community had done well in the area of establishing standards to deal with such problems. None the less more determined and coordinated steps were needed.

SARAH FOULDS (United Kingdom) said the Special Rapporteur's report did not make comfortable reading; it left the reader with equal measures of indignation and depression. It was disturbing to be reminded once again of the number of Governments which shamelessly pursued policies and practices that manifestly flouted both the spirit and the letter of the Declaration. The picture which emerged from the report was however, not wholly gloomy. For example, it was noteworthy that continued progress had been made in the sphere of religious freedom by a number of countries in East and Central Europe.

She fully endorsed Mr. Ribeiro's recommendation that full advantage should be taken of the United Nations Advisory Services to foster tolerance and respect for freedom of religion and belief. She also shared the view that the maintenance of inter-faith dialogue was of great importance in overcoming sectarian and intransigent attitudes and in increasing religious tolerance throughout the world. However, she remained unconvinced by his suggestion that there might be a need for a binding international instrument on the

elimination of discrimination based on religion or belief. A further standard-setting instrument was not needed. Instead, renewed and sustained determination to implement and to monitor the implementation of the standards which had already been established was urgently required.

SAIFUDDIN CHOUDHURY (India) said the secular nature of his country was inscribed in the very preamble of its Constitution as was liberty of belief, faith and worship. The Constitution attempted to promote positive tolerance by the people and to allow others of different faiths or persuasions fully to enjoy their rights and freedoms. Moreover, in India, religious freedoms were safeguarded not only by constitutional provisions but by conscious State action. In India, every citizen had the right to enforce those fundamental rights, in the event of their violation, through the courts.

In spite of the efforts of the Government, explicit provisions of the Constitution and the fact that the people, by and large, abided by secular principles, instances of communal violence had occasionally occurred, he continued. They had been the result of the activities of misguided persons or anti-social elements. However, even those incidents did not stem from attempts to forcibly stop the practice of one religion by followers of another religion. Sometimes law and order situations were deliberately given a communal flavour by vested interests. Public opinion in India was against such incidents and their exploitation by vested interests. India agreed with the Special Rapporteur when he said that protection and promotion of the freedoms enshrined in the 1981 Declaration continued to be a long-term undertaking due to underlying factors which generated situations inconsistent with its provisions.

JORGE RHENAN-SEGURA (Costa Rica) expressed concern over prevailing religious intolerance and fundamentalism in the world. The need for a convention dealing with intolerance was compelling today, he said, as was clearly shown by the report of the Special Rapporteur on religious intolerance. Religion should not be taken on as a dogma. All forms of religious practice should be respected. Churches played a very important role in showing respect for other beliefs. In many countries, one saw religious groups trying to impose their beliefs on others.

The report of Mr. Ribeiro also showed the positive developments in Eastern and Central Europe, he said. However, the prevailing proselytism was worrying. Education at all stages should promote tolerance, and the media was an important tool in that regard. The role of mass communication in promoting tolerance should receive further attention.

JOHN SWIFT (Ireland) said he appreciated the Special Rapporteur's report but regretted that not all the Governments contacted had responded to the request for comments dealing with specific incidents which he had examined. In future work, the Special Rapporteur might attempt a more analytical presentation of the allegations he received and the related responses from Governments. The analysis of replies included in the present report should therefore be regarded as preliminary.

Noting that the Special Rapporteur had referred to the situation in Northern Ireland, he said the Special Rapporteur had acknowledged that situations which appeared to have a dimension of religious conflict were, in fact, deeply rooted in complex historical, political, economic and social factors. That was the case in Northern Ireland. The Governments of Ireland and the United Kingdom were united in their total rejection of violence. There were some who sought to exploit the needs of people, whether in developing or apparently highly developed societies, by promoting groups which purported to be religious but, in fact, were engaged in dubious if not illegal practices. That should not provide Governments with the excuse to prohibit religious worship.

CHRISTOPHE PIERRE, observer for the Holy See, noted with sadness that in many countries believers were excluded from public life and even paid with their lives for their right to belief. Pope John Paul II had said that religious freedoms were the cornerstone of human rights. He warned against religious faith going beyond its purview. When a religious grouping identified with interests far from religion, unjustifiable situations sometimes arose, he said.

The Special Rapporteur's report had recommended that a distinction be drawn between religions, sects and religious groups, he continued. That thorny topic concerned rights and personal freedoms, but the freedom of religion, with a community aspect, and freedom of conviction had already been established in the 1981 Declaration. That distinction, however, ignored the transcendental aspects and did not do justice to the differences between the two freedoms. He called for a new international instrument where the distinction would be expressed more succinctly.

ALAIN GUIDETTI, observer for Switzerland, said religious intolerance was particularly grave because it led to the violation of other rights. The report of the Special Rapporteur served as a reminder of the extent of the problem. Certain violations committed in a number of countries were particularly worrying. The repression of proselytism and the prohibition of conversion and of apostasy were also intolerable as they affected the very principle of the freedom of religion and belief. A worrisome phenomenon was the recurrence of the problem in countries where one religious group was dominant. Governments had the immediate responsibility of implementing the provisions of the Declaration.

The Special Rapporteur, he recalled, had communicated to the Swiss authorities his concern over the incarceration of a conscientious objector to military service. That individual had been convicted for having refused to perform his civil duty, not because of his religious beliefs. The new legislation governing the matter foresaw that those who invoked ethical motives for refusing military service would be sentenced to perform work in the public interest.

LORENZO FERRARIN (Italy) said that throughout the world there was a new religious effervescence -- a religious comeback -- and that the report should clarify the multifaceted realities of the various burgeoning religious

movements, many of which reflected conflicts between traditional modernity and traditional religious beliefs.

He suggested that in future, the report of the Special Rapporteur should have two parts: the first describing the data on religious events transmitted by countries and the second dedicated to analysis and evaluation of intolerance and discrimination in matters of conscience, religion and conviction.

NARCIZAS PRIELAIDA, observer for Lithuania, said his country had for 48 years been denied its essential right to belong to the United Nations by the Soviet occupation. Today, Lithuania had rejoined the international democratic family. Lithuanians were thereby more sensitive to the violation of the rights of minorities. The Kurdish people still suffered from a policy of genocide by Iraqi troops. Tibet was still struggling for its freedom. And the explosion of Yugoslavia had not resulted in a solution for Kosovo.

Some voices had been heard in certain activist circles denouncing the alleged discrimination of the Russian, Polish and Jewish minorities in Lithuania, he continued. As a new State, Lithuania was particularly vulnerable to that type of accusation. For that reason, the country rigorously monitored the application of the principle of equality to all its minorities. Russians, with the exception of the occupation troops of the ex-Soviet Union, had the right to Lithuanian nationality. The Polish minority, constituting 1 per cent of the population, was also guaranteed all rights. Regions where Poles were the majority could use the Polish language in the civil administration and the schools. In addition, there were Jewish social circles, schools and synagogues. One was even witnessing the return of Jews who had emigrated to Israel.

Rights of Reply

BAGHER ASADI (Iran), referring to the speech by United States Vice-President Quayle, said the work of the Commission should be constructive. The Vice-President, unfortunately, had given supremacy to politics in an election year. The United States had inflicted a bloody dictatorship, featuring torture, on Iran in 1953, which perhaps Mr. Quayle was too young to remember. The United States could hardly claim to be a defender of human rights. Iran hoped the Commission could have a constructive exchange on human rights and not engage in venomous name-calling.

NABIL RAMLAWI, observer for Palestine, said he had been surprised by the very selective issues the United States Vice-President had touched upon in his statement. He had not mentioned the flagrant violations of human rights of the Palestinian people by the Israeli occupation forces. Had the United States not adopted Security Council resolution 726 (1992) condemning Israel for human rights violations in the occupied territories? Such selectivity clearly showed a lack of objectivity and confirmed that the United States' approach to problems in the world was not credible.

(more)

MOHAMED AL-DOURI (Iraq) said everyone was aware of the policy of force used by the United States. Hubert Selby, Jr., an American journalist, had written that what he saw in the United States today made him cry and that United States actions in Viet Nam and Iraq had made him particularly sad. The declared policy of the United States to interfere in the internal affairs of weaker countries was expressed daily. The United States had attacked Iraq not to liberate Kuwait or out of love for human rights, but to get hold of the country's oil supply. As for the new world order, its message could be summed up as "we are the masters and everyone has to wipe our feet".

RAUL ROA KOURI (Cuba) said the United States was one of the very few nations to violate human rights in their own country -- such as the right of native Americans, blacks and Latinos who lived in poverty and were confined to reservations and ghettos -- and also in other countries. Among other offences, it had dropped the atomic bomb on Nagasaki when that was not necessary and had invaded Panama in gross violation of United Nations principles, inflicting great suffering. Because of its violations of human rights, the United States should be barred from the Commission and from every other United Nations Commission and agency.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/313
11 February 1992

HUMAN RIGHTS COMMISSION HEARS ADDRESS BY SECRETARY-GENERAL FOR FOREIGN AFFAIRS OF AUSTRIA

Concludes Debate on Religious Minorities

GENEVA, 10 February (UN Information Service) -- Thomas Klestil, Austria's Secretary-General for Foreign Affairs, this afternoon proposed an emergency mechanism to enable the Commission on Human Rights to react promptly to gross human rights violations. Preventing the escalation of violations into situations with longer-term implications should, he said, be one of the Commission's aims when taking up new challenges.

His proposal would be complementary to existing mechanisms established by the Commission. He called upon the Commission to endeavour to adopt that proposal at the current session with undivided support.

Also this afternoon, the Commission concluded its debate on implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief and on minority rights.

The representative of Indonesia made a statement, as did representatives of the following non-governmental organizations: the International Progress Organization, the International Federation of Human Rights and the International Commission of Jurists, the International Council of Jewish Women, the International Association for the Defence of Religious Liberty, the International Organization for the Development of Freedom of Education, the Baha'i International Community, the International Fellowship of Reconciliation, the World Association for World Federation, Christian Democratic International, the Latin American Federation of Associations of Relatives of Disappeared Detainees and the International Indian Treaty Council.

Speaking in exercise of the right of reply were the representatives of the Sudan, Nigeria, Mauritania, Viet Nam, China, Greece and Egypt.

(more)

For information media—not an official record

Statement by Austrian Secretary-General for Foreign Affairs

THOMAS KLESTIL, Secretary-General for Foreign Affairs of Austria, said human rights and fundamental freedoms had to be regarded as central principles for the further institutional evolution of the society of nations. In many societies, there was a basic reorientation towards broad popular participation in decision-making processes, towards a free market economy of an eco-social character and towards democracy and political freedom. Austria had always supported the position that concern for the safeguarding of human rights could not be considered as interference in the internal affairs of another country. That principle had to be applied on a universal level.

He commended the Commission but said serious shortcomings remained. The international community needed to find ways and means to react to incidents of human rights violations faster and more effectively than in the past or, better still, to prevent them from happening at all. He proposed three areas of action: the collection of information; the decision-making processes of the United Nations human rights system; and possibilities for enhancing measures of prevention and cure. Preventing the escalation of serious violations into situations with longer-term implications should be one of the Commission's aims when taking up new challenges.

He presented the elements for establishing an emergency procedure of the Commission, a proposal he said was outlined by the Austrian Foreign Minister, Alois Mock, when addressing the General Assembly last year. The establishment of such an emergency mechanism would enable the Commission to react promptly to gross human rights violations and would ensure closer cooperation between the Commission and the country or countries concerned. Such a mechanism would be complementary to existing mechanisms established by the Commission.

Upon written request of any Member State, he said, the United Nations Secretary-General would urgently seek the views of member States of the Commission on whether the emergency mechanism should be applied in a given situation and, if necessary, would invite the Commission to establish a five-member expert group. That group would collect information from all appropriate sources and produce a confidential report. He invited the Commission to proceed with a dialogue on the proposal, to enable the current session to adopt it.

WARREN A.J. HAMERMAN, of the International Progress Organization, said his organization urged a full and impartial investigation by the Commission of the gross human rights violations in the case of the American political prisoner Lyndon H. LaRouche, Jr. and his association. The organization did not endorse the philosophic or political beliefs of Mr. LaRouche, but considered that the Government's persecution of him and of his followers for their beliefs was a violation of fundamental human rights.

Mr. LaRouche was targeted for his political and philosophic beliefs just as others had been persecuted for their religious beliefs in cases where nations had gone outside international standards of civilized practice and law in order to suppress ideas and beliefs they viewed as threatening, he said. This was a test case. The concept of a new world order was only meaningful if

the basic principles of individual human rights could be enforced just as meaningfully for a citizen of a small nation as well as for a citizen from a global super-Power.

S. WIRYONO (Indonesia) said that in his country religious freedom had been guaranteed as a constitutional right since the founding of the nation in 1945. The Constitution guaranteed religious freedom and stressed that religious life and the worship of the one and only God should be further enhanced, in a spirit of harmony among religious followers and to strengthen the unity and oneness of the Indonesian people. As a nation composed of more than 300 ethnic groups spread all over the archipelago, religious tolerance and belief in God had strong roots in the history and culture of the Indonesian people. Although 90 per cent of the country's 180 million people were Muslims, the spirit of deliberation and consensus was traditional among Muslim, Hindu, Buddhist and Christian communities.

He said the Indonesian Government's policy had as its aim the development of dynamic harmony in socio-religious relationships which should strengthen each other, bound as they were by a spirit of tolerance. Education and dialogue were important means to achieve religious tolerance and to end all forms of discrimination based on religion or belief.

ADAMA DIENG, of the International Federation of Human Rights and the International Commission of Justice, drew attention to the increasing manifestation of intolerance in the world, especially in countries which claimed to adhere to certain concepts of Islam. Human rights organizations and non-governmental organizations had defended those accused, because of their beliefs, by militant Islamic tribunals. The two organizations on whose behalf he was speaking respected the Muslim faith, but was of the view that all forms of intolerance and religious fanaticism gave Islam a bad name and had to be disproved.

At the Conference of Islamic States held in Senegal in 1991, he said, various problems had been uncovered for human rights groups and non-governmental organizations. Under Islamic sharia law, various fundamental human rights and freedoms were found to be incompatible with that legal system. Women, in particular, were in danger, south of the Mediterranean. Sexual segregation was as regressive as racial segregation. The message of the Conference was a serious one which legitimized intolerant behaviour in contravention of international norms.

ANDREE FARHI, of the International Council of Jewish Women, said there were cases of racism and anti-Semitism in Europe; in Japan, there were video games in which the Fuehrer was a hero; and in the United States, a member of the Ku Klux Klan almost won a recent election in Louisiana. In France, the National Front of Jean-Marie Le Pen was the direct successor of the Fascist New Order movement, of which Mr. Le Pen had been President. In Germany, more than 200 Jewish cemeteries had been vandalized in 1991.

She appealed to all Governments, whether or not they had signed the Declaration, to prove their dedication to article 4 of that document. The

banalization of real, dramatic threats based on religious intolerance did not serve the cause of human rights. Threats had to be identified and exposed.

GIANFRANCO ROSSI, of the International Association for the Defence of Religious Liberty, called for an intensification of efforts to protect religious liberty. While progress in that area had been noted by the Special Rapporteur, intolerance and violence had also persisted. The right to religious liberty, he said, was violated by law in Saudi Arabia, Mauritania and the Sudan. So, too, in Iran where the Baha'is suffered discrimination. In Israel, certain Jews faced discrimination. In Egypt, public acts of faith different from the majority's were forbidden, and Copts were persecuted. In China, clergymen were followed and surveilled.

In India, Viet Nam, Nigeria and in recent events in Algeria, he continued, similar violations had occurred. The examples showed a need for a redoubling of efforts towards an international instrument with the force of law behind it to protect the rights of belief. That freedom was not absolute; it was confined to certain restrictions. History rather than divine revelation was usually responsible for intolerant acts. Religious leaders should teach tolerance and respect for others.

ALFRED FERNANDEZ, of the International Organization for the Development of Freedom of Education, said the desire for tolerance was increasingly more respected but was threatened by fundamentalism. Tolerance had to be taught, but values and ethics were hard and complex to teach. Pluralistic societies passed over crucial issues. The autonomy of others had to be respected. Ethical, religious and religious pluralism had to coexist and be tolerated. That was today's reality.

In today's world, intolerant reactions were born of feelings of rejection or experienced by the minority in protection of its self-esteem, he said. Because all religions could become intolerant, tolerance was an idea that had to be created and developed. Schools must transmit those values, which should be in harmony with the family's values; otherwise, they would fail in their educational undertaking.

WYTZE BOS, of the Baha'i International Community, said Special Rapporteur Ribeiro had emphasized not only the manifestations of religious intolerance, but their underlying causes. The creation of a climate of religious tolerance was a challenge facing religious leaders, educators, the media and government officials especially.

Many believers found it difficult to reconcile deep religious conviction with tolerance of other beliefs, he said. In the Baha'í view, such attitudes were, in part, the product of ignorance. One great value of literacy, therefore, was the access it gave ordinary people to the scriptures of their own faith as well as to the sacred texts of other faiths. Governments, non-governmental organizations and citizens' groups who were struggling to mobilize a common response to the various crises which afflicted the world had

the right to expect from religious leadership a similar willingness to sacrifice dogma and sectorian interests that inhibited the mobilization of humanity's spiritual resources.

KELSANG GYATTSEN, of the International Fellowship of Reconciliation, said the Fellowship was a spiritually based movement active in inter-religious dialogue and reconciliation in those areas where there were tensions and violence. The Special Rapporteur had referred, in his most recent report (document E/CN.4/1992/52), to a Chinese document produced in 1991 and to other evidence which appeared to confirm the consistent reports from Tibetans that, despite certain official statements and laws cited by the Chinese Government, China's policy in Tibet with regard to religious belief was aimed at the extinction of Buddhism.

The Fellowship welcomed the recommendation of the Subcommission that there be organized "a global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms". Another such opportunity would be provided next year, during the 100th anniversary celebration of the World Parliament of Religions, to be held in Chicago, United States.

MICHA MILOSEVIC, of the World Association for World Federation, said the war in Yugoslavia had meant that 200,000 Serbs had been forced to leave their homes. That exodus had followed the persecution of Orthodox clergy. The Croats were trying to destroy all traces of the Serbian presence. Seventy-one Orthodox religious monuments had been destroyed in Croatia. The methods were the same as those used by the Ustashe Croat State during the Second World War when more than 700,000 Serbs had been killed in concentration camps set up by that regime. Hundreds of thousands of Serbs had been converted to Catholicism by the Ustashe regime.

The arrest of an Orthodox Monsignor by the Croatian authorities a few weeks ago merely because he had dared to bear witness before the United Nations showed very clearly that human rights did not exist in Croatia, he said. If the international community wished to eliminate religious intolerance in the world, it needed to concern itself very closely with the human rights situation in Croatia.

CECILIA SLESZINKA, of Christian Democratic International, said that despite the collapse of numerous socialist regimes, which had eased global problems affecting freedom of religion and conviction, the exercise of those freedoms had continued to deteriorate in some Islamic States, particularly where the adoption of Islamic law had led to difficulties for Christian minorities. Among other problems, she cited court rulings involving fines and imprisonment in Greece for non-Orthodox believers who distributed religious tracts door-to-door; the razing of Christian churches in Turkey, China and Egypt; the beating and imprisonment of Christian clerics in Iran; and the expulsion from Malaysia of foreign translators of the Bible.

More than ever, she said, the best way to ensure liberty of religion was to put national religious legislation in conformity with the Universal

Declaration of Human Rights and to respect, throughout the world, article 18 of that Declaration.

MAGDA GONZALEZ SANCHEZ, of Latin American Federation of Associations of Relatives of Disappeared Detainees, said that on the American continent there were peoples who had survived 500 years of Spanish, Portuguese and English colonialism as well as the domination of the new holders of power following the founding of independent republics. The Esse Ejja people of the Amazon Basin, for example, had resisted the invasion by the Western Christian world. As a consequence, they had been oppressed, made captive and even sold into slavery. It was important that, at the time of the signing of the Declaration on the rights of persons belonging to minorities, States committed themselves to finding solutions to the problems of that group and other peoples of America.

He informed the Commission about the Second Inter-American Indigenous Congress on Natural Resources and the Environment, which had taken place in Mexico last year, and at which a number of indigenous peoples of America had spoken of common problems relating to the consolidation of territories; cultural, political and economic recognition; and respect for their identities.

BILL SYMONDS, of the International Indian Treaty Council, said that violations of indigenous peoples' religious rights, which were tied to sacred lands and the sacredness of the earth, were being perpetrated by the United States Government. He cited, among other things, the sale of sacred pipestone by the United States National Parks Service; the failure to enforce the Native American Graves Protection Act, resulting in continued grave robberies and theft of artifacts; and the disposal of toxic and nuclear waste on tribal burial grounds and Indian lands.

Rights of Reply

MOHAMED ELKARIB (Sudan) said the representative of the United States had not reflected the truth when he stated that the Sudan was trying to "Islamize" the south of the country. The rights of minorities in the Sudan were quite clear. In the universities, the Government was trying to introduce a process of Arabization, which did not infringe on the rights of minorities.

BERT NWAKAMMA (Nigeria), responding to the International Association for the Defence of Religious Liberty, said there were no proven cases of religious intolerance in Nigeria. Nigeria was a secular State and the Government's policy was one of peaceful coexistence. There were examples of religious intermarriage and the education of people of all religions took place together. A Panel of Inquiry had ruled that recent clashes between Christians and Muslims had no religious background but rather a political one.

OULD MOHAMED LEMINE (Mauritania) said the representative of the International Association for the Defence of Religious Liberty had made certain allegations to which the Mauritanian delegation had already responded. The greatest form of intolerance was not to respect the beliefs of other people. That intolerance was compounded by ignorance, such as that

demonstrated by the representative in stating that Islam was a State religion. Islam was the religion of all the people of the country.

NGUYEN THAINHA (Viet Nam), referring to the report by the Special Rapporteur that religious believers were detained in Viet Nam and assertions made by the International Association for the Defence of Religious Liberty, said that complete religious freedom was a constitutional right in Viet Nam and the Government respected them. Anyone detained was being held because that person had violated the law and not because of their entitlement to practise their belief or religion.

ZHAN DAODE (China) said the representative of the International Fellowship of Reconciliation had spread vicious rumours about China's policy in Tibet. The person making the statement was a member of a Tchetan separatist group based abroad. That group was bent on dividing China.

MICHAEL DARATZIKIS (Greece) said, in response to the representative of Christian Democratic International, that conscience was inviolable in Greece. Prosyletism was prohibited, but the Greek Constitution protected every citizen's civil rights.

ALEIJA ABDUL-EZZ (Egypt) said her country accorded great importance to the role of non-governmental organizations. Therefore, it would have been preferable had the representative of the International Association for the Defence of Religious Liberty and others based their statements on fact. The Egyptian Constitution upheld the principle of freedom of religion. To allege that there was discrimination against part of the population was pure invention. She underlined the active participation of the Coptic Christians in all facets of Egyptian life.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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12 February 1992

HUMAN RIGHTS COMMISSION TAKES UP RIGHTS OF DETAINEES

GENEVA, 11 February (UN Information Service) -- The Commission on Human Rights this morning took up the question of the rights of persons subjected to any form of detention or imprisonment.

The issue was introduced by the Under-Secretary-General for Human Rights, Jan Martenson. Before the Commission were reports by its Working Group on Arbitrary Detention, the Special Rapporteur on torture, the Working Group on enforced or involuntary disappearances and the Working Group on the draft declaration on the protection of all persons from involuntary disappearances.

Following the introduction of the documents, the Chairman, Pal Solt (Hungary), announced that the following personalities had been added to the list of those scheduled to address the Commission: Andrei Kozirev, Minister for Foreign Affairs of the Russian Federation, tomorrow; Yasser Arafat, President of the Executive Council of the Palestine Liberation Organization, on 13 February; Hector Gros Espiell, Minister for Foreign Affairs of Uruguay, on 17 February; Jalal Ali Lufti, First President of the Court of Justice of Sudan, on 17 February; Mathieu Ngirumptse, Minister of Justice of Rwanda, on 19 February; Sadako Ogata, High Commissioner for Refugees, on 20 February; Federico Mayor, Director-General of United Nations Educational, Scientific and Cultural Organization (UNESCO), on 25 February.

Making statements this morning were the representatives of Burundi, Netherlands, Chile, Czechoslovakia, Spain and Turkey. A representative of the International Commission of Jurists, a non-governmental organization, also took the floor.

Human Rights of Detainees

Among the documents before the Commission on rights of detainees was the seventh report of the Special Rapporteur on Torture, Peter Kooijmans (Netherlands) and a report on his visit to Indonesia. The main report included correspondence between the Special Rapporteur and 65 Governments of States with regard to which detailed information alleging the practice of torture was received up to 16 December 1991. It included urgent appeals and letters from the Special Rapporteur and Government replies.

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For information media--not an official record

In his conclusions, Mr. Kooijmans noted that the practice of torture was still so widespread because it was the most intimate of human rights violations. Taking place in isolation, the first condition for mutual respect, eye-to-eye contact, was wilfully denied and the victim was turned into an object. He recommended, among other things, that incommunicado detention be declared illegal, that restrictions on the right to see a lawyer be exceptional, that a post of an ombudsman-type authority with investigative and/or prosecutory powers be established, and that officials in charge of locations which were found to be official places of torture be disciplined or punished.

In the report on his visit to Indonesia, which took place in November 1991, the Special Rapporteur detailed meetings held in Jakarta and visits to the prison of Cipinang and to East Timor. He was in East Timor on 12 November when a great number of people were killed, injured or arrested at the cemetery of Santa Cruz. The Special Rapporteur was not an eyewitness to that event. Mr. Kooijmans, in his conclusion, noted that he had not been able to get a clear insight into all the legal issues. In view of the information he had received, the Special Rapporteur said he could not avoid the conclusion that torture occurred in Indonesia. He recommended, among other things, that Indonesia accede to the 1984 Convention against Torture, that the independence of the judiciary and an arrested person's right to a lawyer be respected, and that an authority be established where victims of torture could file their complaints.

Also before the Commission was the twelfth report of the Working Group on Enforced or Involuntary Disappearances which stated that the number of cases received in 1991 showed an unexpected resurgence of the problem in some countries. The Working Group had transmitted to Governments a total of 4,800 cases of disappearance, of which 3,841 were sent to the Government of Sri Lanka. At the time of writing, about 12,000 cases had not yet been processed and analysed prior to their transmission to the Governments concerned, as the Working Group lacked the resources to deal with such a large number of cases during the year.

During 1991, the report continued the Working Group had the opportunity to visit Sri Lanka at the invitation of the Government. More than 1,000 relatives of missing persons were seen by the Group. In addition to its consideration of cases from Sri Lanka, the Working Group had studied information from 46 other countries. According to the report, the number of cases of disappearance transmitted to the Governments concerned by the Working Group since its inception in 1980 now stood at close to 25,000. During 1991 alone, the Working Group had received about 17,000 individual reports of disappearances, but it was able to process only part of them. The report stated that cooperation with Governments had again improved over the past year and that the same was true for contacts with non-governmental organizations.

In its conclusion and recommendations, the report stated that abuses of power, as manifested by enforced disappearances, would be severely curtailed if there existed an independent and efficient judiciary protection for individual rights. The Working Group had on various occasions called the

(more)

attention of the Commission to the importance of habeas corpus (or similar mechanisms) which allowed a detainee or those acting on his behalf to seek judicial intervention to determine both the legality of the detention and the whereabouts and well-being of the detainee. That has been called the most powerful weapon against disappearances.

The Working Group stated that an important step towards the eradication of disappearances anywhere in the world had been taken last November with the adoption by the open-ended Working Group mandated to prepare it of a draft declaration on the protection of all persons from enforced disappearances.

The report of that Working Group was also before the Commission. The Subcommission on Prevention of Discrimination and Protection of Minorities on 31 August 1990 had adopted the draft declaration and transmitted it to the Commission on Human Rights for its consideration, with a recommendation that it be endorsed and transmitted to the Economic and Social Council and the General Assembly for final adoption.

The Working Group subsequently established by the Commission indicated that the text of the draft declaration appearing in the annex was the outcome of thorough and painstaking discussion, taking into account all legal systems. It was confident that the text as a whole, if finally approved by the international community, would be an effective contribution to the protection of persons from enforced disappearances throughout the world. The draft declaration states that any act of enforced disappearance was an offence to human dignity and a grave and flagrant violation of the Universal Declaration of Human Rights. It outlines judicial and Governmental measures States should take to prevent such disappearances, to punish offenders and to protect and allow redress for victims and protect their families.

Regarding human rights and states of emergency, according to the fourth annual report of Special Rapporteur Leandro Despouy, 63 States had proclaimed, extended, or terminated a state of emergency since 1 January 1985. The report, an updated and revised version of the report presented to the Subcommission in August 1991, also included sections discussing the internal and international legality of states of emergency. It underlined the adverse effect that the improper introduction of states of emergency could have on certain fundamental human rights and on specific, vulnerable groups of persons.

The Commission also had before it the report of the Secretary-General on the status of the Convention against Torture. The report listed the 64 States which had ratified or acceded to the Convention as at 10 December 1991. The Convention against Torture entered into force on 26 June 1987. Twenty-eight of the States parties have made the declarations provided for in articles 21 and 22 of the Convention.

Statement by Under-Secretary-General for Human Rights

JAN MARTENSON, Under-Secretary-General for Human Rights, told the Commission that the question of the rights of all persons subjected to any form of detention or imprisonment ranged over a wide area of human rights

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concerns. The focus was on fairness and respect for human dignity in the relationship between the individual and the law. Respect for human rights in the administration of justice and such serious problems as torture, disappearances and arbitrary detention were barometers of the general health of society and as such merited close attention.

He went on to say that respect for human rights in states of emergency had been of concern for a number of years and the Subcommission had sought to ensure that states of emergency which affected the enjoyment of human rights be declared in accordance with international standards. The Commission had before it the most recent information in that regard in the fourth annual report and list of States which, since 1 January 1985, had proclaimed, extended or terminated a state of emergency.

He noted that the Commission also had before it information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing, or held in a country against their will, including those cases which had been successfully settled since the presentation of the last report. The Subcommission had invited its Special Rapporteur, Ms. Bautista, to submit to its next session a final report on long-term measures for improving the protection of personnel of the United Nations system, their families, and United Nations experts and consultants.

Mr. Martenson recalled that under that item, the Commission would also consider reports on freedom of expression and opinion, the independence and impartiality of the judiciary and the right to a fair trial. The Commission's attention was called to a report by the Subcommission's Special Rapporteurs, Stanislav Chernichenko and William Treat, entitled "The right to a fair trial: current recognition and measures necessary for its strengthening".

Reports on Arbitrary Detention, Torture, Disappearances Introduced

Introducing the report on arbitrary detention, the Chairman/Rapporteur of the Working Group, LOUIS JOINET (France), said there was no such thing as an arbitrary detention that was not an unlawful violation of the human right of freedom of movement. The problem for the Group was less to verify the existence of the detention than to determine its legality. The following countries had been contacted regarding allegations of arbitrary detention since the completion of the report: Egypt, Israel, Republic of Korea, Malaysia, Nigeria, Saudi Arabia and Uganda.

According to the 1991 report, the newly-formed Working Group wrote to the following Governments concerning cases of alleged arbitrary detention: Bhutan, Chile, China, Cuba, Iran, Lao People's Democratic Republic, Libya, Malawi, Mexico, Morocco, Myanmar, Peru, Sudan, Syria, Tunisia, Turkey and United Republic of Tanzania. The Working Group asked the Governments concerned to make enquiries and inform the Group of the results within 90 days of the date of the transmittal. At the time of the preparation of the report, the Working Group was still awaiting replies to letters transmitted to the Governments of China, Iran, Lao People's Democratic Republic, Libya, Malawi, Morocco, Myanmar, Sudan, Peru, Turkey and United Republic of Tanzania.

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Introducing his report, PETER KOOIJMANS, Special Rapporteur on Torture, said that, despite the fact that winds of change were blowing all over the world and promising democratization processes had been set in motion in a number of countries, torture was still a disturbingly common phenomenon. Although the number of countries where torture was wittingly used or tolerated as a tool of Government policy might have decreased, there still were too many States where the structure of society and the legal and institutional framework were insufficiently strong to form a bulwark against torture. That was why he had stressed in the report the important role of the judiciary in combating torture. Another preventive measure, at present under consideration in the Commission, was the establishment of a system of periodic visits to places of detention by independent experts.

The Special Rapporteur said the Committee on the Elimination of Discrimination against Women had concluded earlier this year that gender-based violence which impaired or nullified the enjoyment by women of human rights and fundamental freedoms under general international law or under specific human rights conventions was discrimination within the meaning of article 1 of the Convention on the Elimination of Discrimination against Women. Now it was clear that rape or other forms of sexual assault against women being kept under detention constituted acts of torture.

He expressed gratitude to the Government of Indonesia for the invitation to visit the country, stating that the Government had thereby expressed its willingness to cooperate with the Commission. It was inevitable that reports on such a visit would contain critical remarks. He hoped that such remarks would be seen by Governments as a genuine effort to help them to combat torture more effectively. In that context, he informed the Commission with satisfaction that the Government of Guatemala had two weeks ago provided a document containing a list of measures, some in reaction to his recommendations of 1990, taken by the Government in order to improve the human rights situation in Guatemala.

Introducing the report of the Working Group on Enforced or Involuntary Disappearances, IVAN TOSEVSKI stated that this year, the Group had transmitted almost 5,000 new cases, but it still had a backlog of approximately 14,000 cases which it was unable to transmit because of its limited resources. He commended the Governments of the Philippines and of Peru for implementing the Working Group's recommendations and noted that the Governments of Colombia, Argentina, Chile, Mexico, Brazil and Honduras had applied measures which helped to diminish the practice of disappearances and raised hopes that the phenomenon would be eliminated.

BEATRICE LE FRAPER-DU-HELLEN, Chairman/Rapporteur of the Working Group on the draft declaration on the protection of all persons from involuntary disappearances, said the fruit of the considerable work carried out by that Group was contained in its report. The draft declaration had been the subject of consensus in the Working Group in spite of the different legal traditions of its members. For the first time, the gravity of involuntary disappearances had been stated in a solemn declaration. She hoped the text would be adopted by consensus by the Commission.

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Statements

LAURENT NZEYIMA (Burundi) said abuses in detention and imprisonment were often committed by Governments which ignored individual rights and freedoms. It was none the less understood that such rights and freedoms must be exercised within the law and in conformity with the preservation of public order, national security and the public interest. The countries faced with the challenge of reconciling respect for human rights and the maintenance of order were undergoing a difficult period. They lived the permanent dilemma described by the French writer, Paul Valery, who said that "when the State is strong, it crushes us and when it is weak, we perish".

He said his country, which was returning to political pluralism, faced a period which could lead to a conflict situation between the authorities and citizens exercising, sometimes abusively, their political rights. That was an inevitable stage. The country hoped to go through it with wisdom, maturity and responsibility. Human rights associations had made the Government aware of the problem of preventive detention and measures had been taken to provide human rights training to the judicial police.

J.F. BODDENS-HOSANG (Netherlands), commenting on recommendations of the mechanisms concerned with detention and executions, noted that there were roughly three categories of recommendations: those concerning standard setting; those which underscored prevention and supervisory implementation; and those which dealt with the question of what should happen after violations had occurred. Related to that was the safety of relatives of victims and of human rights defenders. In terms of standard setting, the Working Group had stressed the importance of ratification of human rights treaties, of setting new standards and of compliance with existing codes. Monitoring of the implementation of standards and of prevention policies was considered in the reports to be a task of various bodies: Governments, independent committees, the Commission on Human Rights and the international community at large.

He said much attention had been devoted in the reports to training, education and publicity which were instrumental in creating awareness of human rights norms and could be important in establishing the right climate for prevention and the monitoring of implementation. Victims had to be entitled to file a complaint and to be compensated. The Rapporteurs and the Working Group on Disappearances had stressed that violations of human rights were not limited to certain political or social systems. No State might think it was wholly immune from torture, since torture might occur in any situation where man had complete power over his fellow man.

PEDRO OYARCE (Chile) said he regretted that the report on torture, in its reference to Chile, had not mentioned the comments of the Committee against Torture last year after examining Chile's report. Members had praised the Government for its efforts to comply with the Committee. Meanwhile, of the three cases mentioned in connection with Chile in the report of the Working Group on Arbitrary Detention, one of the persons concerned had been released following a decision of the President. The other two cases, the result of trials begun during the dictatorship, were still under judicial procedure.

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The Government shared the concern of the Working Group, but one could not demand that the President free persons undergoing judicial procedures.

On the draft declaration on protection from disappearances, he said Chile saw it as an homage to the thousands of persons no longer here, but whose voice and message had been carried by non-governmental organizations, especially those from Latin America. The text approved by the Working Group might be the subject of differing interpretations, but it doubtless could be seen as an ethical and political document which complemented the Universal Declaration of Human Rights.

IVAN PINTER (Czechoslovakia) said his country viewed torture as one of the worst human rights crimes. Of course, it was not possible for the Commission to prevent all torture committed throughout the world, but it should try to do its best and fight against any type of torture, degrading or inhuman treatment in any country. He hoped the text of the declaration on the protection of all persons from enforced disappearance would be approved by the Commission.

All States should as soon as possible ratify the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, he said, and should fully implement its provisions. Czechoslovakia had ratified the Convention on 7 July 1991. His country would do its best to fulfil the recommendations of the Committee. Czechoslovakia further supported the draft Optional Protocol to the Convention against Torture and hoped the Commission would not again shift the whole question over to future sessions.

JULIAN PALACIOS, observer for Spain said that, despite the existence of the Committee against Torture, of follow-up mechanisms, and of a code of conduct and general principles, torture was still universal. Spain, which had ratified the European Convention for the Prevention of Torture as well as the United Nations Convention against Torture, agreed with the Special Rapporteur that only through a strong and independent judiciary would the enjoyment of human rights be achieved. It was important, therefore, that everybody play a part in eradicating that practice. He supported the draft declaration on involuntary disappearances.

GUNDUZ AKTAN, observer for Turkey, said that despite international efforts to promote human rights, the situation had deteriorated. According to a study conducted by Amnesty International, three quarters of the countries that violated human rights were victims of activity by armed opposition groups. Those countries were judged according to the behaviour of their armed forces and their judges in the face of the most barbaric terrorism. That approach was not only partial but it was tantamount to excusing the terrorists. He denounced those non-governmental organizations which refused to defend the democratization of countries that were victims of terrorism. It was fallacious to think that terrorists could install a regime based on respect for human rights.

REED BRODY, observer for the International Commission of Jurists, said enforced disappearances constituted one of the most comprehensive denials of

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human rights. Disappearances violated practically all basic human rights. An international instrument, such as the declaration, which explicitly outlawed the practice of disappearances, was long overdue. In several respects, the draft declaration fell short of the proposals put forward by his Commission and other non-governmental organizations. His Organization would have preferred, for instance, that the qualification of disappearances as a "crime against humanity" be more absolute. Nevertheless, the current draft set forth a realistic and constructive approach to that pervasive phenomenon. Its adoption by the Commission and the General Assembly would be a milestone.

He went on to say that the most important accomplishment of the Human Rights Commission last year had been the creation of a Working Group to investigate cases of arbitrary detention throughout the world. However, under its tentative work methods, a case was closed when the person concerned had been released, for whatever reason. By preventing the Group from reaching conclusions on such cases, that decision essentially immunized cases and even patterns of short-term arbitrary detention from coming before the Group. As for a detainee's right to challenge the legality of the detention, the Commission should adopt the draft resolution on habeas corpus.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/315
13 February 1992

COMMISSION CONTINUES DEBATE ON HUMAN RIGHTS OF DETAINEES

Non-Governmental Organizations Detail World-Wide Violations of Human Rights

GENEVA, 13 February (UN Information Service) -- The Commission on Human Rights this afternoon continued its consideration of the human rights of detainees hearing statements by 14 non-governmental organizations. The widespread problems of torture, arbitrary detention and disappearances were among the issues examined.

One organization, Amnesty International, called for a pro-active strategy against human rights violations, to be based on fact-finding, dialogue and on-site visits.

Taking part in the debate were the representatives of the following organizations: Human Rights Advocates; Andean Commission of Jurists; Amnesty International; International Federation of Human Rights; World Organization against Torture; Commission for the Defence of Human Rights in Central America; Service, Peace and Justice in Latin America; International Association of Educators for World Peace; Commission of the Churches for International Affairs; France-Liberté; International League for the Rights and Liberation of Peoples; Centre Europe-Tiers Monde; Arab Lawyers' Union; and International Fellowship of Reconciliation.

The delegations of Turkey, Syria, Cuba and Iraq spoke in exercise of the right of reply.

Statements Made

HRAIR BALIAN, of Human Rights Advocates, expressed concern about the practice of torture in Bhutan, a country not on the Special Rapporteur's list. Bhutanese refugees in Nepal attested to ill treatment and torture, such as rape, tying the victim upside down for hours, severe beatings, the use of electric shock, the insertion of nails through fingertips, kicking the genitals and more. The organization was also concerned about conditions in Tibet where reliable information described arbitrary arrests, detention, torture and summary executions of Tibetans.

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For information media--not an official record

A third country of concern to his organization was Turkey, a country referred to extensively in the Special Rapporteur's report on torture. Although Turkey had signed the international instruments against torture and its Constitution prohibited the practice, torture during detention continued. Human rights activists who dared to expose such mistreatment were in turn detained and tortured. The speaker commented on the forced repatriation of asylum seekers under detention, especially of Vietnamese from detention centres in Hong Kong and of Haitians detained by the United States, and said that any form of non-voluntary repatriation to Haiti at this time would present a serious risk of human rights abuses for returnees.

FRANCISCO EGUIGUREN, of the Andean Commission of Jurists, said there were countries in the Andean region where the practice of enforced disappearances continued in 1991, namely, Colombia and Peru. Thankfully, both countries had constitutional regimes but at the same time were seriously affected by internal political and social violence. Those who should guarantee the state of law sometimes tolerated the practice of forced disappearances by members of the security forces as part of the anti-subversive strategy. One could not ignore the fact that subversive violence, in particular, terrorism, affected minimum standards of humanity. However, that should not be an excuse for the authorities to carry out or tolerate actions that reinforced violence.

The problem of forced disappearances was related to that of arbitrary arrests, he continued. The establishment of the Working Group which dealt with that issue, and whose first report had been published, were extremely important events. Although the right of the individual was recognized in all constitutions of the Andean region, in different degrees and in different ways, it was very worrying to see that right being attacked repeatedly by civilian and State forces, especially the latter. It was imperative that the protection mechanisms should function, the most important being habeas corpus petitions, or similar judicial recourses. However, habeas corpus, as well as being rarely used, was also frequently inefficient in practice, both for the limitations of norms and legal procedures as well as for a lack of willingness and energy by the judicial authorities to fulfil their roles as protectors of human rights. The Commission's approval of the draft declaration against forced or involuntary disappearances would constitute an important first step towards eradicating the practice in all countries.

HELENA COOK, of Amnesty International, said it was time to develop more pro-active strategies to protect individuals at risk. A preventive approach could be particularly effective if it combined two techniques: fact-finding -- to identify practices which facilitated human rights violations -- and the initiation of dialogue with Governments to discuss remedial measures. Some of the on-site visits conducted by the Special Rapporteur on Torture were one example of that approach which deserved further support from the Commission. In particular, international inspection of places of detention would be a particularly effective way to combat torture. There were many countries where specific, practical measures, such as those which might be recommended by a committee of experts, could be very effective in reducing the incidence of torture.

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She cited India where torture was widespread; Turkey where detainees were usually hold incommunicado; and Egypt where a systematic pattern of torture of political detainees existed. In Syria, she continued, urgent reform of administrative detention provisions under the state of emergency law was required. In China, reports indicated that torture of political detainees had increased, and in Iran political prisoners continued to be physically and psychologically tortured. In Sudan, political opponents continued to be arbitrarily arrested and tortured, and in Mexico almost anyone arrested was at risk. She called on the Commission to set up a working group to examine the revised draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

CHRISTIAN GROSSE, of the International Federation of Human Rights, said it was particularly noteworthy that Syria had replied to the request for information by the Working Group. The International Federation was particularly concerned about the situation of arbitrary detainees in Syria. The systematic use of torture in that country meant that detainees had died in custody, others were still under detention and people had disappeared. Visits to locations in countries accused of human rights violations constituted important and effective mechanisms.

The International Federation had visited the Philippines and that visit had had positive repercussions. However, a great deal remained to be done there. Habeus corpus in the Philippines remained ineffective. The reports on Indonesia and East Timor bore witness to the serious deterioration of human rights in those countries. Concerning a murder case in Guatemala, he said the summary execution of the police officer in charge of the inquiry, and death threats received by the procurator, the court officer and journalists constituted obstacles which hampered the fair administration of justice.

FERNANDO MEJIA, of the World Organization against Torture, said that during the past 14 months, his organization had received regular and verifiable reports of grave human rights violations and had intervened in cases in 43 countries, among them, Rwanda, Haiti, Colombia, Guatemala, Peru, Tibet, East Timor, Egypt, Sudan, Bahrain, Mexico and Venezuela.

He requested that the Commission continue to have a Special Rapporteur cover the human rights situation in Guatemala and not halt his activities, as had been proposed. Revising existing controls and mechanisms for protecting human rights was of major importance. The Commission should continue to improve such mechanisms as well as workers, to ensure their effective application, in as much as the review of the human rights situation in some countries gave only a partial picture.

WILMA NUNEZ, of the Commission for the Defence of Human Rights in Central America, called on the international community to focus on the situation of human rights violations, detention and disappearances which varied in extent throughout Latin America. The process of militarization had caused dreadful acts to persist right across society and throughout the continent. Men and

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women who challenged the established order were persecuted by the military and called "destabilizers". The victims were subject to torture of all types and enforced disappearance.

In El Salvador during the 1980s, for example, 7,000 people were estimated to have disappeared, and in 1991, detention, disappearances and torture persisted. She mentioned 83 cases of detention and 76 executions. The situations in Honduras and Guatemala also continued to cause concern. That drastic situation, which was prevalent in Latin American, was due to the lack of resources, the power of the security forces and the impunity offered to the perpetrators.

RAMON CUSTODIO, of Service, Peace and Justice in Latin America, said that although 15 Latin American States had ratified the Convention against Torture, at least five of them continued to violate it. Forced disappearances were an unacceptable practice which continued world-wide. Victims were often tortured and government agencies were often behind the disappearances.

The security and independence of judges was critical to human rights, he said, yet judges were often threatened. Under those conditions, it was difficult for them to enforce laws barring summary arrests, disappearances and torture. The ability of human rights violators to escape punishment with impunity limited the effectiveness of human rights instruments. He urged the Commission to focus on the problem of impunity and to consider adopting effective measures to resolve it.

LUIS ZUNIGA, of the International Association of Educators for World Peace, said the trend of human rights as a legitimate concern in an interdependent global situation was an upward one. He spoke of prison conditions in Cuba, pointing out that he had spent half his life in Cuban jails in unhuman and degrading conditions.

He mentioned the names of persons who had suffered psychiatric abuses in Cuban prisons and called for an end to the systematic practice of disappearance. Thousands had died, drowned while trying to escape Cuba by way of the Gulf of Mexico, he said. The death penalty -- by shooting for political opponents -- was official policy in Cuba so as to intimidate the population.

Mrs. SCHULLER, of the Commission of the Churches for International Affairs, said she wished to call attention to the situation of political violence, torture and forced disappearances in Peru, describing it as the most serious case of human rights violations on the continent. The situation had deteriorated over the last two years. Political violence, particularly by the Shining Path, and the enforced disappearances, massacres and torture carried out by the Peruvian security forces, seemed to have no end. The impunity enjoyed by the perpetrators was shocking.

The only solution to the problem was political will. International pressure had slowed the rate of offences somewhat, but the political will to halt the violence within Peru was lacking, she said. Violators were rarely

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punished, especially because security force personnel were not tried before courts but by military tribunals and they were never punished. The Commission should consider appointing a special rapporteur to monitor the situation in Peru. The draft optional protocol to the Convention against Torture should be adopted as a tool for preventing widespread human rights violations.

MARTINE GARGAR, of France-Liberté, said that in Guatemala in, 1991, there had been more than 1,000 human rights violations. Last year had seen a resurgence of the climate of terror, backed by the impunity enjoyed by the perpetrators. Kidnappings in broad daylight, with the police present, were commonplace. Obstacles were placed in the way of any investigation into these human rights violations. Those violations were the result of a counter-insurgency movement backed by a military dictatorship which was incompatible with the law of the State.

In Colombia, a worrying, complex situation was taking place, she went on. Enforced disappearances, some 465 between January 1990 and April 1991, were continuing in spite of new legislation, and most such instances went unpunished.

VERENA GRAF, of the International League for the Rights and Liberation of Peoples, said that Turkey, despite announced steps to grant Kurds democratic rights within their territory, had passed a law against "terrorism" that violated the Kurds' human rights. The law barred "propaganda" and meetings that challenged the existence of the Turkish State, and it provided for prison terms for "violators". The law allowed the Turkish Parliament to avoid repealing a law prohibiting the use of the Kurdish language. Acts of aggression against journalists had escalated, and the law limited freedom of expression. The Kurdish language could not be used, even by Kurdish representatives in Parliament. Even the wearing of the colours red, green and yellow -- colours associated with Kurdish nationalism -- led to arrests and detentions. There had been cases of disappearances, torture and death, often in rural Kurdish villages. The new Government had taken no apparent steps to halt such human rights violations.

She said her organization favoured the adoption of the declaration on forced and involuntary disapperances, with the exception -- while waiting to reopen the debate -- of article 14. The League considered the draft protocol of the Convention against Torture to be an effective instrument for preventing maltreatment.

CYNTHIA NEURY, of Centre Europe-Tiers Monde, drew attention to the bad treatment inflicted by Turkey on the Kurdish people. That country, she said, was a State party to the Convention against Torture and was thus obliged to respect certain legal obligations. However, according to a report by Helsinki Watch, 11 people had died in detention in Turkey between January and July last year. She recalled that last April, the Turkish Government had adopted an anti-terrorism law which violated several provisions of international law. Among other things, the new law accorded favourable treatment to police or

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intelligence agents who committed crimes in the course of carrying out their functions. The law also allowed the Government to use all its powers to further repress the Kurdish people.

Her organizations was concerned, she said, about the numerous summary killings of Kurds in recent months. Reports put the number of civilians killed in July 1991 alone at 83. The increasingly common phenomenon of disappearances was also worrisome. She called on the Commission to do everything in its power to ensure the implementation of the Convention against Torture in Turkey and the abolition of the anti-terrorism law.

ABOU EISSA, of Arab Lawyers' Union, said there were many human rights violations during and after the Iraqi invasion of Kuwait. The Special Rapporteur's report on Kuwait detailed some, but there were others. The international blockade of Iraq was violating the human rights of women and children in that country and must cease immediately.

The Lawyers' Union would focus this year on Africa, where civil unrest and civil war were causing numerous violations. Somalia's civil war needed the close attention of the United Nations and the Commission, as did violence in Djibouti. In Sudan, the human rights situation had deteriorated. The country was still under military rule since the coup d'etat of June 1989. Political detainees were not given fair trials. Detainees were kept at unofficial sites where they were tortured. Demonstrators against the regime had been brutally attacked and illegally detained. His Association called upon the United Nations to provide funds to aid Sudanese victims of torture. His Union favoured the adoption of the draft optional protocol to the Convention against Torture.

DAVID LITTMAN, of International Fellowship of Reconciliation, asked why the Commission could not pass a resolution strongly condemning the hostage-taking that began in Lebanon eight years ago. Nothing much had been said or done regarding the lethal fatwah decreed by Ayatollah Khomeini against the writer Salman Rushdie. Why was that so? he asked.

Whether the reason was indifference, complacency or global fear, when such crimes were not immediately condemned, they were ipso facto condoned by the international community, he continued. One must beware of the pitfalls of intimidation in all its forms. The rights to freedom of opinion and expression must never be abandoned nor the right to criticize and, when necessary, to condemn the unacceptable.

Rights of Reply

GUNDUZ AKTAN, observer for Turkey, said there seemed to be a concerted campaign against his country on the part of certain non-governmental organizations. It was interesting that those organizations did not mention that there was terrorism in Turkey, terrorism instigated from abroad. One thousand civilians had been killed by the terrorists. The Government of Turkey had looked into the allegations of violations and had found that some so-called victims had not even been killed by the authorities.

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The Turkish Government had become a party to the European Convention for the Prevention of Torture, he said. Turkish citizens could make complaints under the Convention once all domestic remedies were exhausted. Unless they condemned terrorists, the non-governmental organizations concerned could not convince Turkey that they were concerned for the victims of terrorism, in which case they would be moral supporters of the terrorists.

CLOVIS KHOURI, observer for Syria, said claims of torture in his country were not well founded. No United Nations reports of such violations existed. It might not sound pleasant, but it was possible that accusations of certain non-governmental organizations were being brought about by persons hostile to the State. Accusations of human rights violations could go on and on, but organizations should check to see if they were true before making them.

JUAN ANTONIO FERNANDEZ (Cuba) said the absurd claims of the representative of the International Association of Educators for World Peace were part of the campaign of lies against Cuba sponsored by the United States. Mr. Zuniga had left Cuban territory very early on and had been linked to the United States Central Intelligence Agency. He had been captured off the Cuban coast while trying to enter the country to carry out sabotage activities. He had been duly tried and sentenced to 25 years imprisonment. In order to put an end to torture in Cuba, a true popular revolution had been necessary. Non-governmental organizations promoting the interest of a foreign Power should not be allowed to participate in the Commission. The positive role of non-governmental organizations should not be tarnished by activities such as those for which the groups concerned was responsible.

MOHAMED AL-DOURI (Iraq) said the speaker for the Arab Lawyers' Union had carried out the orders of the new world order and of the world's super Powers in his comments about human rights in Iraq. The Secretary-General of the Union of did not understand what really had happened in Iraq. His organization was a reputable one and he should try to be better informed of events in Iraq.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/316
14 February 1992

HEAD OF AFRICAN HUMAN RIGHTS COMMISSION ADDRESSES UN COMMISSION

Discussion on Rights of Detainees Continues

GENEVA, 12 February (UN Information Service) -- In an address to the Commission on Human Rights this morning, Ibrahim Badawi, Chairman of the African Commission on Human and People's Rights, declared that Africa had chosen the path to democracy. Certain African countries were in dire need of an operation similar to the one being carried out on behalf of the ex-Soviet Union.

He added that Africa was lagging behind in the field of human rights, due to the long years of colonialism and apartheid. However, that was not to be taken as an excuse. Africa appealed for understanding and for a realization that it had begun late in life to give full priority to human rights.

Following Mr. Badawi's address, the Commission continued its debate on the human rights of detainees, torture and the status of the Convention against Torture. The representatives of China, Cyprus, Sweden and Belgium took part in the discussion.

The representatives of the Movement against Racism and for Friendship between Peoples, World Social Prospects Association, World Federation of Trade Unions, International Confederation of Free Trade Unions, Indian Council of South America, International Human Rights Law Group and the Latin American Federation of Associations of Relatives of Disappeared Detainees also spoke. Egypt and Iraq exercised the right of reply.

Statement by Chairman of African Human Rights Commission

IBRAHIM BADAWI, Chairman of the African Commission on Human and People's Rights, recalled that the African Convention on Human and People's Rights had been endorsed by the Organization of African Unity (OAU) in 1981 and had come into force in 1986. Freedom, equality, justice and respect for human dignity were the absolute objectives of African nations, he said. The ultimate success of the African nations would be a cornerstone of the success of the United Nations. The endorsement of the African Charter and the creation of

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the African Commission were the outcome of the efforts of the Commission on Human Rights since 1967 to create a regional human rights organization.

The African Commission had embarked on a policy of encouraging African nations to play host to its meetings, he said. That was a way of spurring efforts to promote human rights on the continent. He thanked the Governments which had hosted sessions of the Commission, the latest of which was held in Tunisia last year. The African Commission had also been encouraging non-governmental organizations to assist it on a consultative basis. Those organizations could play a pivotal role in promoting awareness of human rights.

With respect to spreading awareness of the Charter, he said that, at the eleventh session of the African Commission, Egypt, Nigeria, the United Republic of Tanzania and Togo would submit reports on protection of human rights . The discussion and review of reports took place in open session. That constructive dialogue extended to discussing allegations and claims from individuals. A number of them were under investigation. The African Commission would also undertake further study of such issues as the right to a fair trial and the plight of refugees. The Commission had conducted all its activities despite a lack of human and material resources that had plaqued it since its creation in 1987.

African Governments were aware that promotion of human rights was a basic element in ensuring stability, he went on. On 11 June 1990, African Heads of State had declared that development could not take place without popular participation in the process of government or a political climate of respect for the law and human rights. Africa had chosen the path of democracy. The international community needed to join with African States to help them realize that objective. While it was true that some African countries were having problems, allowing them to forge ahead with development was of paramount importance. Some countries were in dire need of an operation similar to the one being carried out on behalf of the ex-Soviet Union.

The African Commission was looking forward to participating in the preparatory process of the 1993 World Conference on Human Rights,he said. Africa was pinning its hopes for humanity on the World Conference. The continent was lagging behind in human rights due to the long years of colonialism and apartheid. This was not to be taken as an excuse for the problems the continent was undergoing. It was a plea for understanding and a plea for the realization that Africa had begun, late in life, to give full priority to human rights. But Africa needed to be allowed to make up the gap. Violations should be dealt with within the framework of improving the human rights situation. It was important to create an early warning system to avert human rights violations anywhere in the world.

He noted the efforts of the Secretary-General to alleviate the suffering of the people of Somalia. In conclusion, he stated that everyone should strive to build a world based on the supremacy of law so that human beings would no longer need to rebel against injustice.

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Other Statements

CHEN WEIDIAN, observer for China, said that resolute opposition to the prohibition of all forms of torture had always been a fundamental position of the Chinese Government. The Constitution reaffirmed the basic principle of prohibition of torture and contained specific reference to the protection of the rights of the person and human dignity of citizens by the State. Specific prohibitive and punitive rules had been formulated through substantive law against the perpetrators of torture. In recent years, it had been argued on the international scene that China's judicial system was a pitch-dark muddle. That was nothing but irresponsible and malicious propaganda. In China, the purpose of imposing a punishment was not simply to punish, but rather to turn the majority of prisoners, through education and reform, into useful members of society.

The legal and judiciary measures taken by China to prohibit torture were effective and had had actual results, he said. Owing to the important role in protecting and safeguarding civil rights and freedoms played by the public security organs and judicial organs in accordance with the law, China had for a long time been among those countries with the lowest rates of crime. Social malice and torture still widely prevailed around the world today, both in the developed and developing countries. It was imperative for the international community to continue its long-term struggle against it. China was willing to join hands with other countries in that effort.

VANIAS MARKIDES, observer for Cyprus, said that torture seemed to have acquired alarming proportions around the globe, especially during the second half of the twentieth century. It was sad that the report of the Special Rapporteur verified the fact that torture still seemed to be applied in a systematic and methodical manner in a large number of countries. It was regrettable that in a number of States torture had become a persistent phenomenon of every-day life inspired or condoned by officials of those Governments. The gloomy picture presented in the report was supplemented by the number of cases of disappearances transmitted to the Governments concerned by the Working Group on Enforced or Involuntary Disappearances. The question of missing persons in Cyprus was a purely humanitarian issue and was connected to the overall solution of the Cyprus problem. Despite resolutions of the United Nations and other international bodies, that tragic wound was still open more than 17 years after the invasion of Cyprus.

The relatives had the right to know the fate of their beloved ones and those who were captured had the right to be treated in accordance with international law, he said. It was disappointing that the Committee on Missing Persons in Cyprus, under the aegis of the United Nations, had not yet obtained the results hoped for and had not been able to alleviate the suffering of the relatives of missing persons. He hoped that all concerned would assist the Committee in getting complete information on the missing persons and that all witnesses would cooperate fully with the investigations. A complete investigation was one in which every effort was made not only to ascertain whether the person still missing was alive or dead, but if the person was determined to be dead to locate the burial place and/or the body.

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ANN MARIE PENNEGARD, observer for Sweden, said she hoped that sufficient resources would be allocated to the Centre for Human Rights to ensure that the high quality of its reports could be maintained. Her Government strongly endorsed the methods adopted by the Working Group on Arbitrary Detention as well as the principles it would apply when examining various cases forwarded to it. Sweden hoped the Commission would adopt without a vote the draft Declaration on the Protection of All Persons from Enforced Disappearances, and that the Declaration would be adopted by the General Assembly later this year.

She expressed concern at the prominent role played by the so-called "death squads", a phenomenon which was becoming more common, she said. The Working Group on Enforced or Involuntary Disappearances had provided a useful report on the visit of three of its members to Sri Lanka. Sweden appreciated the collaboration of the Government of that country with the Working Group and urged it to submit a report to the Commission describing how the recommendations had been implemented. She supported the proposal to establish an open-ended working group to explore the idea of an Optional Protocol to the Convention against Torture. She welcomed the visit of the Special Rapporteur to Indonesia and East Timor and urged Indonesia to implement his recommendation. The Swedish Government attached great importance to the United Nations Voluntary Fund for Victims of Torture, to which Sweden had contributed since 1981. In 1991 it had provided approximately $170,000 to the Fund and the same amount would be given in 1992.

ALEP REYN, observer for Belgium, said recourse to torture and to cruel, inhuman or degrading treatment was one of the most longstanding and worrying of the Organization's preoccupations. There were a number of international instruments prohibiting torture, but they were not respected by many Governments. Therefore, the mandate of the Special Rapporteur on Torture was undeniably important. He welcomed the periodic consultations that took place between the Special Rapporteur and the Committee against Torture, but the supervisory mechanisms should be reinforced.

More specifically, he continued, a system permitting periodic visits by Committee experts to places of detention should be created by way of an Optional Protocol to the Convention against Torture. The Special Rapporteur himself had recommended such a system. The idea of visits aimed at the prevention of torture was not new, as illustrated by the experience of the European Committee for the Prevention of Torture. Prevention was the key word. The advisory services programme could help Governments which felt unable to do so by themselves to eliminate the plague of torture.

MICHELE GANEM/DAVID BEYA-BAT AKALWA/EMMA NICHOLSON, observers for the Movement against Racism and for Friendship among Peoples, said that people in the United States were unjustly imprisoned for their beliefs and convictions. Members of ethnic minorities were especially susceptible to detention. The massacres of students perpetrated on the Lubumbashi campus in Zaire on the night of 11 and 12 May 1990 had been witnessed by one of the speakers. The demonstration had been a call for an inquiry into disappeared students. The Army had forced its way into students' dwellings and raped and killed for six hours. Massacres of that kind, the second speaker said, were regularly

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perpetrated in Zaire. The subsequent inquiry into the Lubumbashi massacre was a whitewash and a fraud. Those excesses were a mode of government in Zaire.

In conclusion, Emma Nicholson, the third speaker, introduced Amar Kanem, an Iraqi Shia boy whose face, she said, had been disfigured by a napalm attack on Basra perpetrated by the Iraqi Republican Guard. He had lost his family in the attack, she said, and Iran had saved his life. Thousands of Shia refugees were victims of a policy of genocide. Still more were squatting in primitive conditions with no shelter, food or water. She called on the Commission to apply the draft Convention on Genocide and save the Iraqi people.

D. SAMOURA, observer for the World Association for Social Prospects, said that, with rare exceptions, African States were still not democratic. Africa had become a giant asylum of torture victims, a concentration camp on a continental scale. Among the non-governmental organizations looking for ways to aid victims of State torture in Africa was the African Commission for the Promotion of Health and Human Rights. The flight of those victims from Africa constituted the most tragic human dispersion of this era. Non-governmental organizations from the North and the South should help to stop that human hemorrhage so that those victims could be treated in Africa within a context of democracy.

And yet, if there was a continent where the notion of human rights should be sacred, that was Africa, particularly black Africa, he went on. There was a need to rehabilitate the human being in Africa. The human being would search for and find democracy and development.

DANIEL RETUREAU, observer for the World Federation of Trade Unions (WFTU), said arbitrary imprisonment, disappearances, torture and extra-judicial executions were still the cruel reality of many trade unionists throughout the world. In Sudan, the Government wanted to create a trade union movement based on the so-called Islamic model that existed in Iran in order to keep workers ideologically and politically dependent in violation of International Labour Organisation Convention No. 87. Furthermore, cases of torture, secret and arbitrary detention and execution of trade unionists were very numerous. In Colombia, Guatemala and Peru, paramilitary groups continued to operate and the Governments seemed unable to guarantee the right to life of trade unionists. In the Philippines, labour activists were often the victims of hired killers and paramilitary groups. In Thailand, since the military coup, labour leaders had been arbitrarily arrested.

In Turkey, he continued, the leaders of teachers' associations had been subjected to arbitrary detention for years, while Kurdish political prisoners were still tortured. In Indonesia, some trade unionists had suffered a quarter century of imprisonment. Restrictions on civil servants on the basis of opinion continued in Eastern Germany, in contravention of ILO Convention No. 111. Similarly, the Czechoslovak Government had adopted a law targeting civil servants who had belonged to the Communist Party. The WFTU was threatened with expulsion from the country, in violation of the law and ILO Convention No. 87.

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GUY RYDER, observer for the International Confederation of Free Trade Unions (ICFTU), said that, while 1991 was a very good year for democratic change, it was a murderous year for journalists. A total of 84 journalists in 23 countries had been killed while on assignment or in circumstances directly related to their work. He called for fresh international action to curb the growing wave of violence against working journalists. Unless Governments showed more respect for independent journalism and took steps to ensure media freedom and freedom of expression, there would be strongly negative consequences for democratic life.

Freedom of opinion and expression, he said, required a quality press and audiovisual media system, staffed by trained journalists working in decent moral and material conditions. It was time to consider whether or not there was a need to create a new media culture, one that was democratic. In South Africa, El Salvador, Peru, Guatemala, Korea, Fiji, Israel and the occupied territories, press freedom had been compromised and freedom of expression denied. In Latin America, journalists were under attack from drug gangs, paramilitary forces and terrorists. Violence against journalists was not only a political outrage, but also a deep personal tragedy.

IVAN PAZ, observer for Indian Council of South America, said the trial of former Bolivian dictator Luis Garcia Meza, who had ruled from 1980 to 1981, had started in a climate of impunity for the accused. The burden of accusation and proof had fallen on the Civil Party, in other words, those seeking legal redress. The Prosecutor fulfilled a merely formal role. The facts relating to the coup d'etat and the violation of the National Constitution, the crimes of which Garcia Meza was being accused, had been attested to by a number of political, religious, labour, media and even military personalities.

At least 10 witnesses had testified regarding the killings perpetrated on 17 July 1980, the day of the coup, he said. Furthermore, the massacre of eight leaders of the MIR Party had been attested to by a survivor. The Civil Party optimistically predicted that the trial would end in a sentence for those responsible this year. For that to occur, however, a reinforced dose of political will and the vigilant supervision of international human rights organs would be necessary.

ABIGAIL ABRASH, observer for the International Human Rights Law Group, recalled the recommendations contained in the first report of Louis Joinet which involved both education and reporting on independence of the judiciary and protection of practising lawyers. In Romania and Kenya, she said, unfulfilled promises existed to promote the rule of law through the genuinely independent functioning of judges and lawyers.

Her organization urged the Commission to adopt Draft Resolution III of the Subcommission (document E/CN.4/1992/2) calling on all States to "maintain the right to habeas corpus at all times and under all circumstances, including during states of emergency". It also requested the Commission to

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establish an inter-sessional working group to examine the details of implementing the draft Optional Protocol to the Convention against Torture and to report its findings to the Commission at its forty-ninth session.

LOYOLA GUZMAN, observer for FEDEFAM, said her organization represented thousands of relatives of disappeared persons from all over Latin America and the Caribbean, and had registered 145 disappeared persons in Guatemala, 65 in El Salvador, 49 in Peru, 117 in Colombia and one in Argentina. Its aim was a Convention against Enforced Disappearance and it was elaborating a draft Declaration on the protection of persons. Enforced disappearance was an act against humanity and not a political act. She called on the Commission to approve the Declaration and recommend it to the Economic and Social Council and the General Assembly.

Along with enforced disappearance, she said, came a host of other grave human rights violations. In Latin America, violations of human rights had been perpetrated in the name of national security and usually involved the armed forces. In view of the new global situation, she called for a reduction in armed forces in the region and increased vigilance on the part of the international community.

Right of Reply

ALEYA ABOUL-EZZ, observer for Egypt, referred to statements made by Amnesty International and the International Association against Torture yesterday. The Amnesty International representative who had visited Egypt in 1990 had raised numerous questions concerning conditions of detention. The Government of Egypt had provided answers to those questions. The Secretary-General of Amnesty International had declared that he had observed a favourable evolution in the situation in Egypt. The Convention against Torture was part of Egyptian legislation. No single detainee in Egypt was being held because of his political views. Freedom of opinion was guaranteed for all citizens.

MOHAMED AL-DOURI (Iraq) said that a campaign was being conducted against Iraq, and had that morning taken the form of a farcical appearance by Emma Nicholson, Member of Parliament, with an Iraqi child on behalf of a non-governmental organization. He had talked to Emma Nicholson and that child could have been the victim of an American bomb. Those innocent Iraqi children did in fact need to be saved and should not be exploited for political reasons. What about the lack of food and medicine which affected all Iraqi children? he asked. He thanked the Member of Parliament for at least alleviating the suffering of one Iraqi child.

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United Nations

Press Release

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RUSSIAN FOREIGN MINISTER ADDRESSES HUMAN RIGHTS COMMISSION

GENEVA, 12 February (UN Information Service) -- Human Rights were becoming the unmistakeable criterion in determining whether or not a State was civilized, said Andrei V. Kozyrev, the Minister for Foreign Affairs of the Russian Federation, in an address to the Commission on Human Rights this afternoon. Despite diverse political systems, traditions, customs, and religions around the world, he said, a common culture was taking shape in dynamic fashion, and it was a culture of human rights.

Mr. Kozyrev added that Russia would link its reputation to ensuring a worthy life for its people rather than to super-Power ambitions. He spoke as the Commission continued its discussion of the human rights of detainees.

Taking part in the extended debate were the representatives of the Netherlands, Costa Rica, the United States, Italy, Canada, Austria, Chile, Portugal, Japan, the Russian Federation, Argentina, Kenya, Australia, Bulgaria, the United Kingdom, Ireland, India, Peru, Venezuela and Sri Lanka.

The following non-governmental organizations also took the floor: the World Movement of Mothers, the International Association for the Defense of Religious Liberty, the International Movement for Fraternal Union among Races and Peoples, the International Committee of the Red Cross (ICRC) the International Organization for the Development of Freedom of Education, Pax Christi International, the International Indian Treaty Council, Pax Romana, the American Association of Jurists, and the International Association against Torture.

The representatives of Cuba, Zaire and Turkey exercised the right of reply.

Statement by Russian Foreign Minister

In his statement, ANDREI V. KOZYREV, Minister for Foreign Affairs of Russia, said that, despite diverse political systems, traditions, customs and religions, it was encouraging to note that a common culture was rather dynamically taking shape -- the culture of human rights. Human rights were becoming the unmistakable criterion for showing whether or not a State was

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For information media--not an official record

civilized. The recent Summit meeting of the Security Council had shown that Russia, while remaining a great Power, was becoming a normal country. It was contributing the grains of its national experience into that culture. It linked its reputation to fair international cooperation and to ensuring a worthy life to its people, rather than to super-Power ambitions or attempts to curb liberal thinking and creative endeavours.

As the successor to the Soviet Union, he said, Russia had stated that it would fulfil its international obligations. That applied in full measure to the sphere of human rights. But Russia looked honestly into the eyes of its history. There was a time when the Soviet system ignored its signature on international instruments. Today, after the victory of democracy over totalitarianism, international standards for human rights had become genuinely identical to the national interests and tasks of democratic Russia. Efforts were aimed at orienting all public institutions towards human rights, thereby making impossible a return to totalitarian ideology and practices, although that danger still lingered.

Countries could genuinely demonstrate their national identities only by following generally recognized standards, he said. Present-day Germany and Japan, which had resolutely done away with the past, were the best testimony to that. Russia was convinced that by moving along the road of democracy it, too, would not only be able to retain its unique historical traditions and cultural wealth but would reveal them to be untroubled by past totalitarianism. Nobody was perfect. But the so-called Western countries had progressed further towards the implementation of fundamental human rights and Russia had to catch up, learning in practice the difficult arts of democracy and freedom.

"Interference", or international support of democracy, had helped Russia pull itself out of the mire of totalitarianism, he continued. If not for that support, there would have been more victims, as could be seen from the difficult days of last August. For many years, people from different countries, Amnesty International, and the Helsinki Federation had been helping human rights advocates in the Soviet Union. Today Russia congratulated them and the Russian people on the victory over the cold war on both sides of the "iron curtain".

Russia had yet to change radically practices that still led to the flouting of interests of individuals and to violations of human rights, he said. Dramatic situations continued in the Army and in prisons, and there was the social vulnerability of the people and the plight of disabled persons and the poor. The problem of refugees from the areas of the former USSR now suffering inter-ethnic conflicts remained acute. Russia was preparing to accede to the agreements on refugees. While highly appreciating United Nations activities in the field of human rights he had to state that Russia had not fully adjusted itself to the new realities. The country was interested, in particular, in putting the practice of expert assessment of Russian draft laws on a permanent basis, counting on continuing cooperation from the United Nations Centre for Human Rights.

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The idea of working out special mechanisms of the Commission for expeditious international consideration of emergency situations deserved close attention, he went on. He also hoped that the World Conference on Human Rights would contribute to the development of institutions for promoting monitoring, and building confidence in human rights measures.

Preventive diplomacy was also insufficiently used in the human rights domain in a way that could prevent mass violations. Referring to the question of elections, he suggested it might be worthwhile to think about appointing a special rapporteur who could visit countries both during electoral campaigns and after elections and who could present reports to the Commission.

It was high time to renounce one-sided criteria when elaborating measures against systematic and flagrant violations of human rights, he said. Russia was for the right of Israel to exist and to be secure, but against the policy of settlements in the occupied territories, and against deportations. While welcoming the democratic reforms in South Africa, Russia expected at the same time complete elimination of the remnants of apartheid.

He expressed hope that the Commission at its current session would be able to adopt a United Nations declaration on minorities. The present draft could go further, but it was better than nothing. Outside Russian borders, including in the neighbouring foreign States -- former Soviet Republics -- Russia would persistently raise questions concerning the rights of compatriots -- Russians and people of other nationalities. It considered the Community of Independent States to be durable inside and a reliable partner outside.

It might be expedient, he said, to examine the whole agenda of the Commission, the sources of which dated back to the period of the ideological confrontation. Duplication and politization should be speedily eliminated.

Statements in Debate

MARIE-LAURE BECK, observer for the World Movement of Mothers, said the signature of human right instruments was one thing and their application was something else. How was it possible that some countries seemed to be doing nothing to combat violations within their own territory? she asked. A number of unmarried women were in Geneva and afraid to return to their home countries because they had no social or legal rights there, and their children were not ntitled to basic human rights.

It was not a matter of encouraging unwed motherhood, she said, but such women and such children existed. The situation was not the fault only of the women, and all human beings were entitled to basic rights. Her organization urged the Commission to establish a group to look into denial of human rights to unwed mothers and their children in those countries where it occurred.

MIGUEL LOREDO, observer for the International Association for the Defence of Religious Liberty, said he was a Cuban ex-political prisoner. The decision to send a Special Representative to Cuba to investigate the human rights situation there had been welcomed by the majority of the Cuban people. The

refusal of the Cuban Government to permit the visit was further evidence of the situation. But that attitude had turned into a great opportunity for exiled human rights activists, who had been able to transmit to the Representative a number of allegations and reports from Cuba. Many of the documented allegations concerned cases of detention and torture, cruel or degrading treatment. Human rights violations in Cuba had a basis in the country's legislation. The violations had become worse since the second half of 1991. Dissidents, human rights activists and the Catholic Church had been particularly affected.

One case that required urgent attention, he said, was that of the human rights activist poet Maria Elina Cruz Varela. She had been assaulted by rapid action brigades and was being held in a State security prison. Lately, the official newspaper, Granma, had been repeating accusations that the Catholic Church had been fomenting opposition . One of the most worrying developments was the reactivation of the death penalty. Documents told of more than 2,000 people who had been executed, a figure thought to be too low. The Commission and the General Assembly should devote more attention to the situation in Cuba.

C.M. EYA NCHAMA/ESTELA BARNES DE CARLOTTO, observers for the International Movement for Fraternal Union among Races and Peoples, said the Grandmothers of Plaza de Mayo had denounced the violation of the rights of the children of people who had disappeared between 1976 and 1983 under the Argentine military régime. Those children, who had been extremely young or were unborn at the time their mothers were abducted, had grown up in captivity and were now adolescents.

The registers of the Grandmothers of Plaza de Mayo indicated that there were 217 children between the ages of 12 and 17 years who long ago had been captured along with their mothers. Some had been found dead, some had returned to their families, others were still missing. Argentine law did not serve very well to protect minors and was inadequate for tracing missing children. The Union asked the Commission to transfer those complaints to the Government of Argentina. It also asked that official archives of the repression in Argentina be made available to the families of missing children.

J.F BODDENS-HOSANG, (Netherlands) said the procedure of habeas corpus had been called the most important tool for the prevention of disappearances and was widely regarded as a powerful weapon against torture as well. Nonetheless, many deficiencies clung to the procedure in many countries. The refusal of police authorities in following up on an application of habeas corpus constituted perhaps the most important obstacle. The Working Group on disappearances, in its reports on visits to Peru, Guatemala, Colombia, the Philippines and, most recently, Sri Lanka, had appropriately pointed to those difficulties and insisted on a through overhaul of the law and the practice of habeas corpus. It was fortunate that Governments now found it useful and proper to invite rapporteurs and working groups to come and visit their countries. That testified to the progress made in monitoring the implementation of international human rights standards.

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The Government of Sri Lanka had committed serious violations of human rights in the process of restoring law and order in the country, he continued. He shared the view that the security legislation of the country, in combination with the political backing of the army and the police, had created a formula for predictable abuse. Despite the visits of the Special Rapporteur on Torture, Pieter Kooijmans, and the Working Group, Peru still figured with sorry prominence in the reports for this session. The full cooperation of the Peruvian Government with the Working Group was appreciated, but similar cooperation with the Special Rapporteur had not materialized. There were advantages to the elaboration of a Protocol to the Convention against Torture, but the Netherlands would await further experience gained in the framework of the Council of Europe.

JORGE RHENAN SEGURA (Costa Rica) said the idea behind the draft Optional Protocol to the Convention against Torture was simple: since torture was practised in secret places, the best way to fight it was to have access to those places. It was well-known that the system of visits to prisoners-of-war used by the ICRC had proved very effective. But in order for a system of visits to places of detention by an independent international organ to be accepted by Governments, it had to be based on the principle of cooperation with States and confidentiality. When the Government of Costa Rica had submitted its draft in 1980, it had expressly asked that it not be considered until the the Convention against Torture was adopted. Now that that had occurred, was it not appropriate to have an Optional Protocol? he asked.

The draft submitted by Costa Rica at the Commission last year (document E/CN.4/1991/66) and approved by consensus did not duplicate the work of the Committee against Torture, nor did it constitute another instrument, he said. What it represented was an important practical initiative for preventing and eliminating torture. The draft provided for the creation of a sub-committee for that goal. The fact that there was a European Convention of the same type did create some problems, but it indicated that such a system could work at a regional level. The Optional Protocol could function alongside regional mechanisms.

CLYDE C. SNOW (United States), a forensic scientist, said science offered new opportunities to call human rights violators to account. In 1984 he had been invited to Argentina to serve as a forensic science advisor to the National Commission on Disappeared Persons.

The methods developed in Argentina could be used, together with new, advanced techniques, to solve the cases of the disappeared, or those tortured to death, in countries currently committing abuses, he said. The purpose of that form of forensic examination was to provide objective, scientific evidence to the courts. That data had been crucial to Julio Strassera, the chief prosecutor in the trial of the nine Argentine military Junta members, for example. In many countries, such evidence would never be used by the courts since the judiciary would never prosecute the perpetrators of such horrible crimes. During the past decade, forensic pathologists from the United States and Western Europe had been called to many countries to aid in the investigation of persons who died while in custody. In many cases, there

was suspicion that victims might have succumbed to torture or other forms of physical abuse. An autopsy, properly performed, could usually confirm if such allegations were true.

FRANCESCO MEZZALAMA (Italy) stated that the guiding principle in ascertaining a State's responsibility for acts of torture was to know whether it took firm and effective action leading to the punishment of those who committed such offences. New forms of cooperation with States would be most helpful with a view to improving both the task of the Committee against Torture and, in particular, that of the Special Rapporteur on torture. His report showed that perpetrators of acts of torture usually threatened their victims to prevent them from denouncing abuses. Therefore, if the Special Rapporteur became acquainted with any episodes of ill-treatment and then informed the Government of the State concerned and asked it to account for them, the State was bound to take all necessary measures to do so. However, Governments should be accorded a reasonable period of time to respond.

Italy supported the initiative of Costa Rica concerning the establishment of a treaty-based world-wide system of periodic visits, he went on. It had already accepted a similar system of visits to prisons and other detention places, as provided for in the ad hoc European Convention. To prevent torture, it would also be desirable that the United Nations further promote an information campaign to acquaint public opinion with international action against that practice.

ANNE PARK (Canada) said the Conference on Security and Cooperation in Europe (CSCE) meeting on the human dimension in her country had put forward a proposal on the independence of the judiciary. It called on States to respect their international obligations concerning the independence of judges and legal practitioners. The essence of the proposal had been incorporated in the Final Document.

She said that, directly related to freedom of expression and to the establishment of the rule of law, was the work on a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, initially a Canadian-Norwegian initiative. Canada also supported the Declaration on the Protection of All Persons from Enforced Disappearances. Although many of the acts that constituted such disappearances were prohibited in existing human rights instruments, a more precise standard should be set. As for the work of the Commission, Canada supported the proposal put forward by Austria to establish an emergency mechanism which could add greatly to its effectiveness.

THOMAS MICHAEL BAIER, (Austria) said the Working Group on Enforced and Involuntary Disappearances had provided a comprehensive general report, as well as a detailed presentation on the alarming situation in Sri Lanka. But however alarming the numbers contained in the report might be, they did not convey the real dimensions of the phenomenon; indeed, some of the specific country-sections gave a far from complete picture. Moreover, some of the figures contained in Annex III created the false impression of a positive trend: they indicated far lower overall numbers for 1991 than for 1990 or

previous years. After a closer look, however, it became evident that it was the number of outstanding cases that gave reason for alarm, especially those concerning El Salvador, Guatemala, Iran, Iraq and Peru.

With respect to the several cases of intimidation, threats and other forms of reprisals against relatives and human rights groups involved in cases of enforced disappearance, he said his country welcomed the "prompt intervention" procedures undertaken by the Working Group. The Group was also to be commended for addressing the question of impunity. Austria was also satisfied with the completion of the Declaration on the Protection of all Persons from Involuntary Disappearances.

ROBERTO GARRETON (Chile) said the maintenance of rights of habeas corpus during states of emergency was important. The Constitutions of almost all Latin American countries had clauses limiting habeas corpus. Therefore, the right to judicial recourse was not sufficiently guaranteed. Even in countries with the strongest legal traditions, arbitrary arrests and detentions occurred. Countries should pass stringent laws to prevent that. He also urged adoption of the draft Optional Protocol to the Convention Against Torture.

GONCALO SANTA-CLARA (Portugal) said his country supported the adoption of a draft Declaration on the protection of all persons from disappearances. Also before the Commission was the draft Optional Protocol to the Convention against Torture. The Portuguese delegation had repeatedly recognized the importance of such a system, based on the principle of cooperation of States.

When the security of States was at stake, he continued, torture was very often considered an adequate means to put an end to danger. The recent death of the Palestinian Mustapha Abdalla Ikawi, allegedly due to torture while under interrogation, had deeply shocked the whole world. That certainly could not serve the interests of the national security of Israel and, on the contrary, it cast a shadow of doubt on the credibility and commitment of the Israeli Government to the Middle East peace process.

The Timorese were another people who saw their right to self-determination and other fundamental human rights systematically denied by an occupying Power, he said. In his report, the Special Rapporteur on torture had stated that he could not avoid the conclusion that torture occurred in Indonesia. While the Special Rapporteur was in Dili, East Timor, Indonesian security forces had opened fire on a peaceful procession. According to a recent Amnesty International report, Government and military authorities had taken measures to ensure that witnesses, human rights activists and independent observers were not in a position to dispute the official version of the events. Those restrictions highlighted the need for an immediate and impartial investigation with adequate United Nations involvement, as well as the need to establish means for ensuring the continued monitoring and protection of human rights in the territory.

DOMINIQUE BOREL, observer for the International Committee of the Red Cross (ICRC), said the Committee's activities were closely tied to the human

rights of detainees. Under the 1949 Geneva Conventions it had a mandate to visit prisoners-of-war and civilians interned in times of war. In cases of non-international armed conflict, it could offer its services, and it strongly took the initiative in such circumstances. The ICRC worked in a neutral fashion, and often served as confidential reporters to a country's highest authorities about what actually happened behind the bars of their prisons, trying to ensure just treatment of prisoners. During the Gulf war, the ICRC had visited 113,000 detainees in 10 countries in the Middle East. Such work required substantial funds and manpower, experience and persistence. Failure to ensure the continuing means for such work would have negative long-term consequences for detainees throughout the world.

ALFRED FERNANDEZ, observer for the International Organization for the Development of Freedom of Education, said that the promotion of freedom of opinion and expression was particularly urgent at a time of the reawakening of civil society. In looking at the present success of democracy, it would be a mistake to think that progress was irreversible or that democratization was easy, requiring only the application of Western experience to other countries. The countries of Europe, although benefitting from some of the most democratic systems, were not perfect examples of democracy. They were still evolving. Democracy was fragile. The State had a positive role to play in promoting diversity of opinion. A legal framework that made the manipulation or muzzling of opinion impossible was necessary.

AMY GOODMAN/ALLAN NAIRN observers for Pax Christi International, journalists with a public radio network in the United States, told the Commission they had survived a massacre in East Timor carried out by the Indonesian army. On 12 November, thousands of Timorese had gathered for a mass commemorating the recent death of a young man killed by soldiers.

As the mourners marched to the cemetary, hundreds of troops began firing into the crowd, mowing everyone down in front of them. A few seconds after the Indonesian soldiers began shooting, soldiers surrounded Ms. Goodman. Others ripped off her bag and equipment and began kicking her in the sides and stomach, punching, her in the face and hitting her with their rifles. If the Commission was serious about its mandate, it would have to take decisive action on East Timor.

Ms. Goodman said that, following the attack at the cemetary, the army had gone from house to house, rounding people up. The Timorese Bishop had estimated that more than 180 people were killed. The journalists had originally gone to East Timor to report on the human rights situation before, during and after the visit of the Portuguese delegation. She said that if Indonesia wanted to cut down on negative publicity, the answer was not to beat and ban journalists, but to stop the killings, detentions and tortures that had continued even since the 12 November massacre. It should abide by the two United Nations Security Council resolutions passed after the invasion calling on Indonesia to withdraw from East Timor without delay.

BILL SIMMONS, observer for the International Indian Treaty Council, stated that indigenous peoples knew that they were "legal aliens", subject to

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genocidal treatment and domestic apartheid. Today there was a disproportionate ratio of indigenous prisoners within the colonial penal systems of the United States, where racist guards inflicted cruel and inhuman treatment upon them. Hunters and fishing people protecting their sacred places were being arrested and imprisoned as criminals.

The International Indian Treaty Council had received documentation, including statements made by an official of the state of Alaska, that a certain Mr. Kohler had been incarcerated due to his unwillingness to recognize the jurisdiction of the state, he said. Tuscarora Indian Eddie Hatcher had been in prison for nearly three years without parole on charges which had been dismissed in 1988. Those examples were illustrative of the pattern of discrimination directed against Indian and Chicano peoples by the United States criminal justice system.

ENCARNACIO RICART, observer for Pax Romana, said the mass media should focus on cases of torture and disappearance. Her organization had received reports of grave human rights violations, including illegal detentions and torture, in Haiti, Croatia, East Timor, Iran and Peru. In Peru, the Shining Path guerrillas, and to a lesser extent the PRTA, had carried out constant violence against the civilian population. Pax Romana called upon the institutions of the United Nations to pay attention to events in Peru and to appoint an independent expert to observe and assess the situation there.

A. TEITELBAUM, observer for the American Association of Jurists, said he hoped the draft Declaration against enforced disappearances would be approved without delay. However, the article on universal jurisdiction, which had been dropped earlier, should be returned to the document. Laws and penal codes in member countries undermined international human rights instruments because they prevented nationals from being charged in their own countries for human rights abuses elsewhere, and hindered extradition to countries where they could be charged

ROGER WAREHAM, observer for International Association Against Torture, said that, if one accepted the "myth of United States democracy," then it became difficult to see the struggles of those people of colour who, over the last 500 years, had been excluded from that process. The techniques used to torture prisoners in the United States penal system included isolation, segregation of leaders, withholding of mail and the use of drugs. The Commission should appoint a Special Rapporteur to investigate the situation in the United States.

On the situation in Central America, he said there was still a need for the international community to maintain its vigilance concerning respect for all human rights in El Salvador. The continuation of death squad activity was a reason for concern. Chile provided a clear example of what a premature removal of a Special Rapporteur could mean. The failure to prosecute those involved in torture gave the Chilean people no assurance that the present government had indeed eliminated torture. His organization continued to be

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concerned about the existence of political prisoners in Chile and called on the Commission to work closely with the Chilean Government in demanding their release.

TETSUO ITO (Japan) said his Government welcomed the drafting of the declaration on the protection of all persons from enforced disappearances. In Japan, the phenomenon of enforced disappearances fortunately did not exist.

He said some points in the declaration seemed to be too specific in light of domestic laws and established basic legal principles which varied from country to country. It was also too far-reaching in terms of established international laws. Therefore, some provisions should be considered as statements of principle rather than provisions to be strictly implemented.

In some cases, he said, habeas corpus or similar mechanisms developed by domestic laws provided sufficient remedy and seemed to satisfy the requirements of the relevant provisions of the Declaration. The diversity of the systems of many countries and consistency with other international human rights instruments should be taken into account.

V. BAKHMINE (Russian Federation) said the values of a society could be seen in a State's penitentiary system and how it treated those who challenged the State. More than 500,000 prisoners in Russia had benefitted from contemporary changes in the conditions of the penitentiary system.

Those changes cost a great deal and were nothing without an independent and impartial judicial system, he said. A draft to that effect had been adopted but implementation required financial resources. Many organizations and States had offered consultative assistance to help the Russian Federation make the transition to a new system of values. In the area of human rights, it was important for the State to provide redress to victims of violations. Russia had already passed a law on the rehabilitation of victims.

ERNESTO PAZ (Argentina) said that growing awareness of international instruments against torture and better monitoring might achieve positive results in limiting the use of torture, although the problem was still immense. He urged countries to sign the declaration against torture and said Argentina had established a legal system for compensation of victims of detentions under the deposed military régime.

Argentina considered the draft Declaration on Enforced or Involuntary Disappearances to be an important contribution to the protection of human rights, and supported its adoption, he said. A working group should analyze the draft Optional Protocol to the Convention against Torture.

CHRISTOPHER MBURU (Kenya) said that his country's constitution guaranteed the fundamental freedoms of life, liberty, security of the person and the protection of the law. Kenya had upheld the virtues of constitutional government and had never failed to hold elections regularly. It had entered into a new era of multi-party politics and amendments were being made to various laws to give effect to the new system. The Government was committed

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to good governance and fully understood that the rule of law was a very important aspect of it.

Steps had been taken to strengthen further the independence of the judiciary, he continued. It had also been recognised that complete and total independence could only be achieved if the judiciary and its judicial officers were properly renumerated. The use of torture in any form in Kenya, particularly with respect to persons in police custody, was unlawful. If instances of the use of excessive force or brutality by individual policemen or prison officers occurred, the policemen were charged with mistreatment of prisoners. Last year, a number of policemen were charged with that offence and brought before the courts. To strengthen the competence of institutions such as the judiciary and other constitutional or national institutions, Kenya would require some technical assistance, especially in improving the competence of the members of the judiciary, lawyers and law enforcement agencies.

RONALD WALKER (Australia) said the issues under discussion presented both a challenge and an opportunity. They were a challenge because they were considered some of the most widespread forms of human rights violations. They presented an opportunity because through its thematic mechanisms the Commission had developed a means of responding to situations of human rights abuse which avoided confrontation and which offered the potential for greater cooperation within the international community in the struggle against such abuse. Australia supported adoption of the draft Declaration on Disappearances. On the issue of "impunity", which the Working Group had identified as perhaps the most important factor contributing to the phenomenon of disappearances, the draft Declaration made it plain that no circumstances could justify disappearances.

He said the draft Optional Protocol to the Convention against Torture deserved examination, but raised a number of difficult issues. The question of funding and of resource prioritization within the human rights programme, the inter-relationship with regional instruments, the relationship with the Committee against Torture itself, among other issues, would need to be thoroughly analyzed.

SLAVY PASHOVSKY (Bulgaria) said that it was sad that there were still some countries which were not party to the Convention against Torture and which continued with the inhuman practice it outlawed. The new Constitution of Bulgaria stipulated that any person arrested had the right to a lawyer. Other articles of the Constitution upheld the supremacy of the law. The Committee on Torture had received Bulgaria's report and its comments would be taken fully into account in the new legislative changes and practices. In 1990 and 1991, in the follow-up to the forced assimilation programmes of Turks and Muslim Bulgarian, 45 generals and 49 other high-ranking functionaries of the police had been fired for abuse of their powers. He was aware that many things remained to be done to fully guarantee human rights and fundamental freedoms in Bulgaria.

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HENRY STEEL (United Kingdom) noted that in Professor Kooijmans' report, there was evidence of an increasing dialogue and cooperation between the Special Rapporteur and individual Governments and a growing awareness that an inquiry or investigation by him was not to be construed as a hostile activity. That dialogue might bring to light an incident or a practice that was to be condemned, but it might equally be the means of exculpating the Government concerned or of demonstrating that it had, by its own actions and policies, sought to remedy the abuses that had been brought to its attention. As regards the report's recommendation that places of detention should be regularly inspected by independent experts, he said the United Kingdom Government had agreed to make public the report which the Council of Europe's Committee for the Prevention of Torture had made on its visit to his country.

The Working Group on Disappearances, he said, had produced an excellent, if depressing report. He welcomed many Governments' cooperation with the Group. It was clear, however, that there had been some appaling violations of human rights in Sri Lanka in recent years, with disappearances playing a prominent part in them. But it was also clear that the Sri Lankan Government were making commendable efforts to rectify the abuses of the past. The United Kingdom would support the adoption of the Declaration on disappearances.

DONAL DENHAM (Ireland) said Mr. Kooijmans had drawn attention to the important role judicial bodies had to play in protecting fundamental human rights. His conclusion that "in many cases the judiciary does not seem to be aware of the role it can play in upholding the rule of law" was a sad commentary on the present state of affairs. The Irish delegation could not but endorse the views of the Special Rapporteur in that respect and reiterate the absolute, fundamental necessity of an independent judiciary in safeguarding the basic rights of the individual. The Special Rapporteur had also made a number of specific and practical recommendations which should be enforced at the national level in the fight against torture.

Ireland had ratified both the International Covenants and the Optional Protocol on Civil and Political Rights, he continued. Its procedures for adherence to international agreements did not always allow for haste, but he could assure the Commission that international treaties were the subject of careful scrutiny before ratification. He was hopeful that Ireland would shortly become a signatory to the Convention against Torture and would proceed to ratification as quickly as possible.

PRAKASH SHAH (India) said the Special Rapporteur on Torture had correctly observed that, without precision and detail of information, cases could not be easily transmitted to Governments, nor could the Government concerned carry out an investigation in regard to vague and imprecise allegations. The massive and consistent pressure of world public opinion must be brought to bear against terrorists and subversives and that was where the special rapporteurs, working groups, and members of the Commission had a responsibility which, unfortunately, had not been carried out.

Human rights organizations were rather free in their criticism of Governments, which had the difficult yet noble responsibility of protecting

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the human rights of all their citizens while respecting the rule of law, he continued. What had been mentioned yesterday by the representative of Turkey needed to be considered seriously. He had referred to the evident one-sidedness of the approach of the so-called human rights non-governmental organizations, which practically amounted to condoning the terror and terrorist groups, neglecting their much more numerous victims.

HUBERT WIELAND (Peru) said the question of how justice was administered was a crucial one. If justice was not administered efficiently and independently, citizens had no recourse by which to ensure full enjoyment of their inalienable human rights. Peru was experiencing a climate of violence as the victim of a subversive group which aimed to destroy the democratic State. "The Shining Path" Group was supported by drug-traffickers and had caused 20,000 deaths in its 12-year existence.

Peru had enormous difficulties to surmount in the realization of human rights due to the activities of "The Shining Path", he continued. Nevertheless, it had drawn up a National Plan for Peacemaking and a Council for Peace, both of which began their work last year. In terms of disappearances, the number in Peru had decreased compared to the number quoted in last year's report. The Government of Peru would not cease in its efforts to guarantee human rights and bring the number of disappeared down to zero.

MARIA E. RUESTA DE FURTER (Venezuela) said the draft Declaration against Enforced Disappearances should be adopted. Regarding article 20 on the adoption of children in cases of their parents' disappearance, the supreme interests of the children should be taken into account in each case. The standards for the adoption of such children had to be rigorously codified. He supported the creation of a working group to study the feasibility of the draft Protocol to the Convention against Torture.

NEVILLE JAYAWEERA (Sri Lanka) said the report on the Working Group's visit to his country was the outcome of an invitation that his Government had extended. It showed what a collaborative relationship, as opposed to a confrontational one, could do to facilitate the work of the Commission and increase its impact. Sri Lanka was fully conscious of the harsh publicity that the media would give its problems internationally with the release of the report. It wanted to demonstrate that Sri Lanka did not seek human rights violations deliberately any more than it sought to perpetuate poverty, malnutrition or unemployment.

As happened with all reports which sought to encompass within their limited scope complex historical and sociological phenomena, he continued, the report of that Working Group must also suffer infirmities. Sri Lanka expected the Commission to refrain from making any decisions or from taking any steps that might be predicated upon the assumption that the report was acceptable to the Sri Lankan Government. It was important for the Commission to realize that, when discussing the human rights problem in Sri Lanka, it was actually talking about two distinct and separate conflict areas, removed from each other both geographicaly and in time.

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Right of Reply

RAUL ROA KHOURI (Cuba) referred to the statement by the International Association for the Defence of Religious Liberty, a group, he said, which abused their consultative status. That non-governmental organization was using information from the United States Central Intelligence Agency. Their representative, Mr. Laredo, was covering up for killings and should be unmasked. He was mocking Cuba's goals. There was full religious freedom in Cuba.

KINONGOZI MALIYABWANA (Zaire) referred to the statement made by the Movement against Racism and for Friendship between Peoples and said she believed it was unwise to pre-empt Amos Wako's report on the inquiry into the events in Lubumbashi. Only after the report had appeared would it be appropriate to discuss the matter.

H. ILICAK, observer for Turkey, said that, on the issue of missing persons in Cyprus, the "Greek Cypriot representative", taking advantage of the seat he occupied illegitimately as the representative of "Cyprus", to the unjust exclusion of the representative of the Turkish Cypriot community, had misinformed the Commission. The truth was that the Turkish Cypriot side, which was unjustly denied the right of reply in the Commission, was aware of its humanitarian responsibility towards the families of hundreds of missing Turkish Cypriots and was cooperating fully with the Committee on missing persons. The same could not be said about the Greek Cypriot side, which had, since 1974, persistently followed a policy of non-solution on the issue.

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United Nations

Press Release

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CHAIRMAN OF PALESTINE LIBERATION ORGANIZATION ADDRESSES COMMISSION

Debate Continues on Human Rights of Detainees, Torture

GENEVA, 13 February (UN Information Service) -- Yasser Arafat, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), told the Commission on Human Rights this morning that, more than at any other time, the international community was urgently requested to provide protection for the Palestinian people.

It should now be clear, said Mr. Arafat, that the PLO had decided to deal favourably with the process started in Madrid last year. A solution modelled on the Namibian experience could provide a sound ground for the realization of Palestinian freedom.

In its continuing debate on the human rights of detainees and the problem of torture, the Commission this morning heard the representatives of Austria, Colombia and Indonesia. The representatives of Cyprus, Greece, Turkey and Sudan exercised the right of reply.

Also this morning, Louis Joinet (France), Chairman of the Subcommission on Prevention of Discrimination and Protection of Minorities, introduced the annual report of the Commission's main subsidiary body. He said that the Subcommission had faced a difficult choice: transformation or extinction, and it had chosen to reform its methods of work.

Statement by Chairman of PLO

YASSER ARAFAT, Chairman of the Executive Committee of the Palestine Liberation Organization (PLO), said the Commission had always placed itself on the side of those who resisted racist and colonialist régimes in order to realize the right of self-determination. The militant people of South Africa were still struggling for their right to self-determination and provided a living example for others yearning for freedom and independence.

Today, he continued, Palestine was faced with all varieties of oppressive Israeli practices, including murder, confiscation of land, deportations,

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For information media—not an official record

expulsions and the desecration of Islamic and Christian holy places. That pattern had prompted the Commission to consider those grave violations of the Fourth Geneva Convention in the occupied territories as crimes of war and an affront to humanity. Israel had rejected the relevant resolutions of the Commission, the General Assembly and the Security Council.

He said the PLO appreciated the request made by the Commission for international protection for the Palestinian people, as requested by the General Assembly -- a request buttressed by Security Council resolution 681. However, the prevailing situation in the occupied territories was one of escalating danger. Orders had been issued by the occupation authorities allowing the army, the security forces and armed settler units to shoot with live ammunition at the Palestinian inhabitants and to use internationally prohibited chemical bombs. More than at any other time, the international community was urgently requested to act effectively to provide protection for the Palestinian people.

The Palestinian people had rejected the Israeli military occupation, he said. That great people's uprising would continue, wave upon wave, until the Palestinians were able to exercise their absolute right to self-determination and total sovereignty over their national territory in an independent Palestinian State. In the intifadah uprising, more than 2,000 martyrs had fallen and more that 120,000 had been injured. In that confrontation Israel did not rely on the law or on the power of reason, but on the unlimited support it received from the United States and from some European States. They had strengthened it politically, economically, financially and militarily, and had made Israel a fear-inspiring nuclear Power. Negotiations were currently under way to grant Israel billions of dollars that would help it carry on with its crimes. That endangered the peace process started in Madrid last year.

The PLO welcomed recent statements by United States Secretary of State James Baker linking loans to Israel to the cessation of settlement activities, he said. The PLO had been keen to deal positively with all international initiatives of good will in order to realize peace in the area. It had welcomed and dealt positively with the 10-point Egyptian peace initiative and with James Baker's five points. But, alas, the PLO had been taken aback by the suspension of the United States/Palestinian dialogue on the one hand and by the Israeli rejection of those initiatives on the other. Then ensued the Gulf war, whose biggest losers had been the Palestinian people. Despite all that, the PLO had welcomed the initiative unveiled by President George Bush on 6 March 1991.

"Now", he asked, "does any party have the right to impose the names of the other negotiating team, as is being done through the United States-supported Israeli veto on the members of the Palestinian delegation? Was that the case at Potsdam in the negotiations with Germany, or with Japan, or most recently with Iraq?" The process of negotiations and political settlement had reached a critical stage, he said. The bilateral negotiations were going round and round in the whirlpool of Israeli obstacles. Israel wanted a peace which ensured for it alone land, peace, and security without

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having to offer anything in return or even having to express a willingness to withdraw from the territories it occupied by military means.

"We want to make it known to the Government of Israel," he continued, "that its attempts to cause the failure of the peaceful political settlement are rejected by us and by all peace-and freedom-loving peoples. We refuse to give in to the fait accompli which Israel has tried to impose".

It should by now be clear, he said, that the PLO had decided to deal favourably with the process started in Madrid based on its belief in the need to arrive at a just and comprehensive solution to the conflict, a solution based on international legitimacy, the principles of international law and Security Council resolutions 242 and 338, as well as the relevant United Nations resolutions on the Palestinian people's rights. Any interim period must be short and under international protection and supervision, and it should enable the people to exercise their right to self-determination. A solution modelled on the Namibian experience could provide a sound ground for the realization of Palestinian freedom, so as to arrive at the establishment of a Jordanian-Palestinian Confederation. Palestinian children had the right to live freely and safely on their land, under a just and comprehensive peace in this new world order.

Statements in Debate

Among speakers in the Commission's debate, MANFRED NOWAK (Austria) said that progress in the fight against torture in a number of countries during the eighties and early nineties had been far too slow, and therefore the recommendations of the Special Rapporteur must be taken very seriously. It was not enough to call upon Governments to take their obligations under international law more seriously. In order to eradicate torture the international community had to take stronger action against Governments which allowed torture. Even if it was assumed that most Governments which systematically practised torture had not yet ratified the Convention against torture, the results of the monitoring procedures applied by the Committee against Torture during the last four years did not seem to be particularly encouraging. Almost half of the 65 States mentioned in the report on torture were parties to the Convention.

The problems encountered by both the Committee against Torture and the Special Rapporteur, he went on, clearly showed that that phenomenon could only be eradicated by efficient preventive measures. The Commission should carefully examine the proposal for a draft Optional Protocol to the Convention.

LUIS GUILLERMO GRILLO (Colombia) said his country had adopted a new constitution on 5 July 1991, and it provided that no one could be subjected to forced disappearance, torture, or cruel, inhuman, or degrading treatment. The state of emergency in the country had been lifted on 4 July and democracy had reasserted itself. The limitations still affecting democracy were caused by violent forces which had refused to participate in the political dialogue. Colombia had laid the foundations for eliminating the scourges that had plagued the country. Steps were being taken to ensure that witnesses and

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judges were protected, and that human rights offenders were tried and punished. None the less, the path to eliminating violence in the country would be long and difficult.

He went on to say that Colombia felt that the group best qualified to analyse and adopt the draft Optional Protocol to the Convention against Torture were the States that had signed the Convention.

SUMADI BROTODININGRAT (Indonesia) said that the Indonesian State philosophy, constitution and national legislation all strictly prohibited the practice of torture as a means of extorting information or evidence. Indonesia was encouraged by the findings and conclusions highlighted in the report of the Special Rapporteur on torture. But while it took due note of the Special Rapporteur's findings concerning loopholes in the administration of justice and other weaknesses, it detected some shortcomings in his conclusions.

The reference in the report which had created the most serious problem for Indonesia was the once concerning the Dili incident of 12 November 1991, he said. That problem had emerged because the reference had been used by a delegation to launch accusations against his country. It was surprising that the representative of Portugal had dedicated almost his entire statement to East Timor and had tried to convince the Commission of outdated arguments which linked allegations of human rights violations with what he called "the denial of the right to self-determination". The references were a cover-up for Portugal's own infamous record as the former colonial master of East Timor. The Indonesian Government at the highest level had formally expressed its deepest regret over the Dili incident and had taken the necessary measures to address the incident and to redress the situation. The Dili incident had hurt Indonesia, now in the vulnerable process of healing. There should be understanding and cooperation, not acrimony.

Rights of Reply

VANIAS MARKIDES (Cyprus) said that Turkey, in criticizing Cyprus, had ignored its own human rights violations resulting from its illegal invasion of Cyprus. The United Nations report on the situation of missing persons taken into Turkish custody in Cyprus gave the lie to Turkey's propaganda. Hope for progress on that critical issue of disappearances had not been realized because of Turkey's lack of cooperation. Cyprus sought further aid from the Commission on Human Rights.

FERHAN ERKMENOGLU, observer for Turkey, said that the annual baseless claims by the Cyprus delegation showed contempt for the United Nations Committee on Missing Persons.

VANIAS MARKIDES (Cyprus) said that the Turkish delegate had tried to divert attention from the issue of missing persons. Goodwill on Cyprus' part was not sufficient, the other side had to show goodwill too.

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MOHAMMED ELKARIB, observer for Sudan, said certain delegations had lowered the tone of the Commission's debate by making unfair allegations of human rights violations in Sudan. An international commission had visited Sudan and had inspected the conditions of detainees. Last year, after a meeting of more than 1,000 Sudanese judges, rights of detainees had been emphasized and improvements had been made, including allowing relatives to visit detainees. The Union of Arab Lawyers had distorted the human rights situation in Sudan, and the Sudanese Government was ready to receive any committee wanting to investigate the situation there.

Report of Subcommission

Introducing the report of the Subcommission, (document E/CN.4/1992/2-E/CN.4/sub.2/1991/65), its Chairman, LOUIS JOINET (France) said the Subcommission had carried out an exhaustive stock-taking exercise at its last session, reviewing and revising its methods of work. The current session of the Commission would determine its future.

The Subcommission, he said, had essentially decided that it either had to change or become extinct. There was fear that the Subcommission could be dissolved because of past criticism of its working methods and because of overlaps with the work of other groups. The Subcommission would not disappear; it would change. Among other things, it had adjusted its schedule to make better use of time and to accomplish more work.

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